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# NINTH REPORT

OF THE

## BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING MARCH 31

1914

PRINTED BY ORDER OF PARLIAMENT.



OTTAWA

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1915





**THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.**

H. L. DRAYTON, K.C., *Chief Commissioner.*

D'ARCY SCOTT, *Assistant Chief Commissioner.*

Hon. M. E. BERNIER, *Deputy Chief Commissioner.*

JAMES MILLS, *Commissioner.*

S. J. McLEAN, *Commissioner.*

A. S. GOODEVE, *Commissioner.*

A. D. CARTWRIGHT,  
*Secretary.*



## CONTENTS.

	PAGE.
Amendments to Railway Act. Chapter 44 .. . . .	1
Appeals from Decisions of the Board .. . . .	11
Applications to the Board .. . . .	11
Blind River Board of Trade <i>v.</i> Grand Trunk Railway, Canadian Pacific Railway and Northern Navigation and Dominion Transportation Companies .. . . .	4
Burrard Inlet Tunnel and Bridge Company .. . . .	4
Building Paper and Pulpwood, increased minima on .. . . .	5
Bell Telephone Company and Independent Telephone Companies' Agreement .. . . .	7
Canadian Freight Association <i>v.</i> Caldwell Sand and Gravel Company .. . . .	4
Canadian Car Service, Rule 2 .. . . .	10
Express Rates, reduction of .. . . .	3
Empire Flour Mills <i>v.</i> Michigan Central Railway Company .. . . .	6
Eastern Townships Lumber Co., <i>v.</i> Temiscouata Railway Company .. . . .	8
Formal and informal matters .. . . .	2
Fullerton Lumber and Shingle Company <i>v.</i> Canadian Pacific Railway Company .. . . .	9
General Decisions and Rulings of the Board .. . . .	2
Hudson Bay Mining Company <i>v.</i> Great Northern Railway Company .. . . .	5
Howell Company <i>v.</i> Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies .. . . .	8
Judgments of the Board .. . . .	11
Minimum carload weights on grain, grain products and vegetables .. . . .	8
McMahon <i>v.</i> Canadian Freight Association .. . . .	8
Ontario and Manitoba Flour Mills <i>v.</i> Canadian Pacific Railway Company .. . . .	10
Orders, General Orders and Circulars .. . . .	11
Public Sitzings of the Board .. . . .	1
Pilon <i>v.</i> Grand Trunk Railway Company .. . . .	6
Peanut Butter, classification of .. . . .	7
Railway Grade Crossing Fund .. . . .	2
Robertson <i>v.</i> Canadian Pacific Railway Company .. . . .	6
Railway Cartage Service .. . . .	7
Removal of Agents from Agency Stations .. . . .	9
Regina Toll Case .. . . .	9
Routine Work of the Board:—	
Traffic Department .. . . .	12
Engineering Department .. . . .	12



	PAGE.
Operating Department . . . . .	12
Fire Inspection Department . . . . .	14
Record Department . . . . .	14
Obituary . . . . .	15
Switching charges and practices . . . . .	10
Twin City Transfer Company <i>v.</i> Canadian Pacific Railway Company . . . . .	4
Western Freight Rates Case . . . . .	5

## APPENDICES.

	PAGE.
<i>Appendix "A."</i> —List of complaints filed with the Board for the year ending March 31, 1914. . . . .	16
<i>Appendix "B."</i> —List of applications heard at public sittings of the Board for the year ending March 31, 1914 . . . . .	56
<i>Appendix "C."</i> —Principal judgments of the Board for the year ending March 31, 1914. . . . .	134
<i>Appendix "D."</i> —Report of the chief traffic officer of the Board for the year ending March 31, 1914 . . . . .	324
<i>Appendix "E."</i> —Report of the chief engineer for the year ending March 31, 1914 . . . . .	329
<i>Appendix "F."</i> —Report of the chief operating officer of the Board for the year ending March 31, 1914. . . . .	347
<i>Appendix "G."</i> —Board's staff and salaries for year ending March 31, 1914 . .	392
<i>Appendix "H."</i> —Report of the chief fire inspector of the Board for the year ending March 31, 1914 . . . . .	395
<i>Appendix "I."</i> —List of books in the library for the year ending March 31, 1914	406
<i>Appendix "J."</i> —List of applications subdivided under sections of the Act . . .	414
<i>Appendix "K."</i> —List of cases carried to the Supreme Court . . . . .	416
<i>Appendix "L."</i> —List of general orders and circulars of the Board for the year ending March 31, 1914 . . . . .	419
<i>Appendix "M."</i> —An alphabetical index, under subjects, to the judgments published in the Annual Reports of the Board from its inception . . . . .	537
<i>Appendix "N."</i> —An alphabetical list of steam and electric railways subject and not subject to the Board, under separate classification . . . . .	551





# REPORT

OF THE

## BOARD OF RAILWAY COMMISSIONERS

### FOR CANADA.

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*To the Governor in Council:*

Pursuant to the provisions of section 62 of the Railway Act, as amended by section 12 of chapter 32, 8-9 Edward VII, the Board of Railway Commissioners for Canada has the honour to submit its Ninth Report for the year ending March 31, 1914.

Since the submission of the board's last report the Railway Act has been amended under and by virtue of chapter 44, 3-4 George V, entitled an Act to amend the Railway Act, assented to the 6th June, 1913.

The following are the amendments referred to:—

#### 3-4 GEORGE V.

##### CHAP. 44.—AN ACT TO AMEND THE RAILWAY ACT.

*(Assented to 6th June, 1913.)*

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection 1 of section 35 of the Railway Act, chapter 37 of the Revised Statutes, 1906, as the said subsection is enacted by section 9 of chapter 62 of the statutes of 1908, is amended by striking out the words "ten thousand" in the second line of the said subsection and substituting therefor the words "twelve thousand five hundred".

2. Subsection 2 of section 168 of the Railway Act is repealed and the following is substituted therefor:—

"2. The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with, or remove, close, or abandon any station or divisional point without leave of the board; and where a change is made in the location of a divisional point the company shall compensate its employees as the board deems proper for any financial loss caused to them by change of residence necessitated thereby."

#### PUBLIC SITTINGS OF THE BOARD.

During the year covered by the period from the 1st April, 1913, to the 31st March, 1914, the board held eighty-one public sittings, at which 702 applications were heard,

5 GEORGE V., A. 1915

as compared with 102 public sittings for the previous year, at which 695 applications were heard, being a slight increase for the year. The number of public sittings held in the various provinces were as follows:—

In the province of Ontario.. . . .	65
“ “ Quebec.. . . .	2
“ Maritime provinces.. . . .	nil
“ province of Manitoba.. . . .	3
“ “ Saskatchewan.. . . .	4
“ “ Alberta.. . . .	4
“ “ British Columbia.. . . .	3

The applications heard at these sittings cover a variety of matters falling within the jurisdiction of the board under the Railway Act, from the application of a private individual for a farm crossing to matters of general public interest affecting the community at large, such as, for example, the question of railway, express, telephone, or telegraph company's rates, or matters concerning the operation of railroads generally.

### FORMAL AND INFORMAL MATTERS.

In addition to the matters heard at formal sittings of the board there are a large number of informal matters dealt with by it, that is to say, of a total of 5,566 applications and complaints dealt with by the board, only 12.6 per cent were set down for formal hearing and 87.2 per cent were disposed of without the necessity of a formal hearing. Attention may be called here to the fact that these informal complaints, settled without a hearing, frequently entail a very considerable amount of consideration and inquiry on the part of the board's officers, and cover a wide range of subjects, from the complaint of an individual relating to an overcharge in a railway fare involving a small amount of money, or the question of lost baggage, to a matter of general public interest affecting the whole community, such as a railway rate involving a principle affecting the community at large.

A list of the formal complaints heard at sittings of the board, together with the disposal made thereof, will be found under Appendix “B,” and a list of the informal matters, in the matter of complaints dealt with by the board, will be found under Appendix “A”.

### GENERAL DECISIONS AND RULINGS OF THE BOARD.

The following are some of the more important matters dealt with by the board at its public sittings for the year ending March 31, 1914. The full text of the various judgments will be found under Appendix “C” to the report.

#### RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of section 7, of 8-9 Edward VII, chapter 32, entitled an Act to amend the Railway Act, provision was made that the sum of \$200,000 each year, for five consecutive years from the 1st day of April, 1909, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protection safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to credit of a special account to be known as “The Railway Grade Crossing Fund”, to be applied by the board, subject to certain limitations set out in the amending Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

## SESSIONAL PAPER No. 20c

In dealing with such crossings, the board issued, between the 1st day of April, 1909, and the 31st March, 1914, 273 orders, providing protection as follows:—

By electric bells. . . . .	161
“ gates. . . . .	68
“ subways. . . . .	41
“ overhead bridges. . . . .	19
“ diversion of highways. . . . .	14
“ closing of streets. . . . .	2
“ removal of hill. . . . .	1
Total number of crossings protected. . . . .	306

It will be seen by comparing the total number of crossings protected with the Eight Annual Report of the board that the increase for the year ending March 31, 1914, in the number of crossings protected, numbers 63, made up as follows:—

By electric bells. . . . .	34
“ gates. . . . .	17
“ subways. . . . .	7
“ overhead bridges. . . . .	3
“ diversion of highways. . . . .	2
“ closing of streets. . . . .	
Total increase in number of crossings protected. . . . .	63

In connection with the granting of aid to protective works under this fund, attention is directed to the fact that the board has found that the limitation imposed by the Act has prevented contributions being made in as large a degree as would seem to be proper in the public interest in connection with the larger schemes for elimination of grade crossings. Such works in the larger cities will run into amounts exceeding \$100,000, and occasionally as high as several million dollars, so that the limitation of \$5,000 (not to be applied to more than three crossings in any one municipality, or more than once to any one crossing), fixed by the Act, would be a fraction of the total amount involved.

## RE REDUCTION OF EXPRESS RATES.

The question of express rates was taken up by the board of its own motion, and after a very full investigation, and affording every opportunity to the express companies to show cause against any reductions, the judgment of the board was delivered by the Chief Commissioner, April 22, 1913, concurred in by the Assistant Chief Commissioner and Commissioners Mills, McLean, and Goodeve.

Consideration was first given to the express conditions in the East. It appeared that while no general reduction in eastern express rates had taken place, some were brought about in the following ways: By orders of the board in particular cases; by a revision of the Express Freight Classification; by a simplification of the companies' rules and regulations in the interests of the shippers; by the table of so-called "graduate" charges extending shipments of less than 100 pounds; by the new form of shipping receipt extending the companies' liability by eliminating the qualification of "owner's risk" contained in the former classification; by the extension of collection and delivery limits at different points which by increasing the service amounted to a reduction in the rates. The above were some of the reasons which accounted for the falling-off in the net return on the gross revenue on express business in Eastern Canada shown to exist.

In view of the fact of this falling-off in the net returns, and the further fact that the Honourable the Postmaster General had announced his intention of establishing a parcels post system in Canada, it was felt that the board would not be warranted at the present time in making a drastic order reducing the express rates in Eastern Canada.

5 GEORGE V., A. 1915

The conditions affecting express business in the West were found to be very different. There had always been a different scale of charges between the East and the West, and while the companies claim that the cost of doing business in the West was greater and the density of traffic less than in the East, the board found that actual results of operations showed that undue effect had been given to these conditions.

In short, upon the evidence furnished and the data before it, and having regard to the effect of parcels post in Canada which the board expressed itself as being unable at the moment to estimate, the conclusion arrived at was that the rates charged by the different express companies in the Prairie Provinces and British Columbia were unreasonably high, and directed that the companies submit new tariffs making a reduction of 20 per cent in the Prairie and Mountain sections from the present standard maximum tariffs on freight classified as "merchandise" carrying with it the appropriate reduction in the "graduate" table scale "K" and "M" and the special scale for single shipments of 500 pounds or over; said tariffs to become effective on or before the 15th day of July, 1913.

A further direction was that the basis of the standard maximum mileage "merchandise" tariff should not exceed \$4 for 100 pounds, in place of \$5 for the Prairie section, and \$4.75 for 100 pounds in place of \$6 for the Mountain section, for 900- to 1,000-mile group.

For judgment reported in full see Appendix "C."

BLIND RIVER BOARD OF TRADE V. GRAND TRUNK, CANADIAN PACIFIC RY., NORTHERN NAVIGATION  
AND DOMINION TRANSPORTATION COMPANIES.

In the case of a compelled toll based on water competition, it is the privilege of a carrier, in its own interests, to meet water competition, but it is not the privilege of the shipper to demand less than normal tolls because of such competition, which railway in its discretion does not choose to meet.

For the facts, see judgment of Mr. Commissioner McLean, Appendix "C."

CANADIAN FREIGHT ASSOCIATION V. CADWELL SAND AND GRAVEL CO.

A toll established in the first instance by a carrier of its own volition, having remained some time in force, is presumptively reasonable, and the onus is on the carrier to show, with reasonable conclusiveness, that changed conditions or increased cost of operation justified an increase.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

TWIN CITY TRANSFER CO. V. CANADIAN PACIFIC RY. CO.

The grant by a railway company to one transfer or bus company of the exclusive privilege of soliciting passengers on depot property is not an unjust discrimination against another transfer company within the inhibition of sections 284, 317 of the Railway Act (R.S.C. 1906, ch. 37), which prevents unjust discrimination between passengers, shippers, and consignees of freight, but does not concern the agencies employed for receiving or delivering traffic at, to, or from railway stations.—*Purcell v. Grand Trunk Pacific Ry. Co.*, 13 *Can. Ry. Cas.*, 194, distinguished.

For the facts see judgment of the Chief Commissioner, Appendix "C."

IN RE BURRARD INLET TUNNEL AND BRIDGE CO.

The board will not pass on any issue arising between provisional directors of a railway company and municipalities in regard to the legality of payments for calls on subscriptions made by the provisional directors, or other issues of such character.



## SESSIONAL PAPER No. 20c

A railway company whose organization has not been completed as required by the provisions of the Railway Act, but which is assuming to carry on business through its provisional directors, has no standing to file detailed plans of its undertaking with the board, it being necessary, on the part of the company to file evidence with the board showing that the provisions of the Railway Act relating to organization have been complied with as a condition precedent to its right to file such plans, or of its right to any recognition by the board of any such partially organized company.

Under the Railway Act, provisional directors of a railway company have no right to carry on the business of the undertaking, their powers being limited to those specifically defined by section 81, subsection 3 of that Act, merely to opening stock books, receiving and safely depositing stock subscriptions, making plans and surveys.

The provisions of the Railway Act as to the organization of railway companies and the amount of stock subscriptions are provisions made for the protection of the public and must be strictly followed.

The facts are fully set out in the judgment of the Chief Commissioner, Appendix "C."

## HUDSON BAY MINING COMPANY V. GREAT NORTHERN RAILWAY COMPANY.

It is entirely within the discretion of a carrier to meet the competition of another carrier or not, and if it chooses to do so, when tolls are attacked as to their measure of reasonableness, not simply mileage, but conditions of operation, cost of carriage and volume of traffic, should be compared.—*Dominion Sugar Co. v. Canadian Freight Association*, 14 Can. Ry. Cas. 188, at p. 192, followed.

The right of a carrier to consider the resultant traffic as a reason for a lower toll on the original commodity, where hauled to points of manufacture on its own line, is well established, and it does not appear justifiable to take the said toll as a measure of the reasonableness of what should be charged by the respondent.—*Michigan Sugar Co. v. Chatham, Wallaceburg and Lake Erie Ry. Co.*, 11 Can. Ry. Cas. 353, at p. 363, followed.

Where the tariff in force recognized the difference in value of ore as a basis of tolls, a minimum toll on all ore of a value of \$25 or less was held to be unreasonable and an order was made requiring the carriers to differentiate as to values under \$25, by fixing new tolls for ores valued at \$15 or under, and \$20 or under.

The board is not concerned with equalizing costs of production. It is concerned with the reasonableness of the toll, not with the rate of profit the applicant is making.—*Imperial Rice Milling Co. v. Canadian Pacific Ry. Co.*, 14 Can. Ry. Cas. 375, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

## WESTERN FREIGHT RATES CASE.

The consideration of rates for the carriage of freight traffic upon railway lines in Canada west of Port Arthur, generally referred to as the Western Freight Rates Case, was finally concluded at a sittings of the board held in Ottawa on the 24th November, 1914, when the board, after hearing argument by the various counsel represented at the hearing, reserved judgment. Judgment of the board was subsequently delivered by the Chief Commissioner under date of April 6, 1914.

## INCREASED MINIMA ON BUILDING PAPERS AND PULPWOOD.

The Canadian Manufacturers' Association filed a complaint with the board protesting against the proposed increased minima on building paper and wood pulp (dry) and wood pulp board, from 24,000 to 40,000 pounds, effective February 23, as set out in tariffs of the Canadian Pacific Railway Company's Supplement No. 40 to C. R. C.

5 GEORGE V., A. 1915

E-2352 and the Grand Trunk Railway Company's Supplement No. 28 to C. R. C. E-2513.

A temporary order issued suspending the effective dates of these tariffs until an investigation and hearing could be had. After hearing, and upon consent, this order, in so far as it suspended Sup. No. 40 to the Canadian Pacific Railway Company's C. R. C. No. E-2352, was rescinded. Sup. No. 41 was declared to be lawfully in effect from and including February 25, 1914. The order further provided that, upon the publication and filing of a supplement to the Grand Trunk Railway Company's C. R. C. No. E-2513, substituting similar revised minimum weights on the said commodities for the minimum weight of 40,000 pounds, shown in its Sup. No. 28, suspended by the temporary order, the said temporary order would cease to be effective.

#### EMPIRE FLOUR MILLS V. MICHIGAN CENTRAL R.R. CO.

The abrogation of milling-in-transit privileges, formerly allowed in respect of shipments milled at points on the respondent's line in Canada destined to points on or via participating lines and their connections, was held not to be unjust discrimination, as it was shown that the participating carriers did not grant the privileges in question to millers on their own lines under similar conditions.

Unjust discrimination in favour of United States milling points as against Canadian milling points is not established by proof that (in order to meet the toll of United States lines and participate in the business) milling-in-transit privileges and tolls are allowed over Canadian lines in respect of shipments milled at the former points, and not to shipments milled at the latter, where it appears that the Canadian milling points can enjoy similar tolls and privileges by an alternative route through the United States to the same destinations, so that there is no actual disadvantage in practice.

Unjust discrimination is not a matter of tolls in the abstract, and the board is not justified in interfering on that ground without an affirmative showing that there is actual detriment resulting from the existing toll adjustment.

Application for restoration of the milling-in-transit arrangement on United States corn, the product of which is shipped from St. Thomas to points on or via the Grand Trunk and Canadian Pacific Railway Companies.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C".

#### PILON V. GRAND TRUNK RY. CO.

When it appears that, at a large number of places in Ontario, under more or less similar circumstances and conditions, no extra charge is made for switching traffic from sidings located between stations, it is unjust discrimination to make an extra charge of \$3 per car for switching traffic of the applicant, a brickmaker, from a siding 2 miles distant from a station, C., who is in competition with brickmakers at said station.—*Christie, Henderson & Co., v. Grand Trunk Ry. Co., 9 Can. Ry. Cas. 502, followed.*

For the facts, see judgment of the Chief Commissioner, Appendix "C."

#### ROBERTSON V. CANADIAN PACIFIC RY. CO.

Under section 338 of the Railway Act, the board is not a mere recorder of supersession, but has the right to exercise discretion based upon its judgment of the facts, and thereupon to disallow a superseding tariff, and declare the former joint tariff to be still in force.

Application to restore the toll of 42 cents per 100 pounds on mill feeds shipped from Lethbridge, Alta., via Sweet Grass, Montana, to Keremeos, B.C., over the lines of the Canadian Pacific and Great Northern Railway Companies.

## SESSIONAL PAPER No. 20c

The facts are set out in the judgment of Mr. Commissioner McLean, Appendix "C."

## RAILWAY CARTAGE SERVICE.

The Canadian railways, through the Canadian Freight Association, notified the board that they had given notice of their intention to cancel cartage tariffs. The different interests affected protested against the proposed change, urging that the custom of collection and delivery of freight by the railways was of long standing and that its discontinuance would necessitate a radical change in the method of handling and lead to congestion in terminals.

The board was asked to suspend the cancellation until such time as the railways "satisfied the commission that adequate facilities and accommodation" had been provided by the railways adapted to the change of conditions.

The time fixed, October 1, 1913, for the discontinuance of these cartage arrangements, was, in the opinion of the board, inopportune, and the matter was taken up with the companies with a view to arranging a more opportune date if the railways proposed in their determination to discontinue this service.

As a result of negotiations between the railways and cartage companies, the board was advised that the existing arrangement would continue, but at rates in excess of the contracts formerly existing.

*Held*, Mr. Commissioner McLean delivering the judgment of the board, that, while the cartage rates were quoted in tariffs filed with the board, the board had no jurisdiction over the cartage companies performing the service; that the rates upon which the service was performed for the railways were dependent entirely upon contracts over the terms of which the board had no control.

The proposed tariff being a special one, the board's affirmative approval not necessary under the Act.

## BELL TELEPHONE AND INDEPENDENT TELEPHONE COMPANIES' AGREEMENT.

The consideration of an agreement between the Bell Telephone Company of Canada and Independent Telephone Companies (non-competitive), providing for a general form of contract between the parties for the interchange of telephone messages from their respective telephone systems and lines, is one that has for some considerable time engaged the attention of the board, and has been the subject of a number of hearings and much correspondence between the parties interested. An agreement having finally been reached by the parties was submitted to the board, and on the 12th November, 1913, the board approved thereof by issuing an order known as General Order No. 114; the full text of the order will be found on reference to Appendix "L" of this report. This order disposes of the matter in so far as non-competitive companies are concerned; but the board still has under consideration the question of the giving of connection in the case of competing telephone companies and the Bell Telephone Company.

## CLASSIFICATION OF PEANUT BUTTER.

The Traffic Department of the Toronto Board of Trade, acting on behalf of interested shippers, applied to the board, under section 321 of the Railway Act, for an order directing railway companies to provide a carload rating as of the 4th class for peanut butter.

Section 317, subsection 3 (c), prohibits railway companies from subjecting any particular person or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever.

The railways included peanut butter in the grocery list.



5 GEORGE V., A. 1915

*Held*, that so long as the present classification continues in force, this article should receive a carload rating as does practically everything in the grocery list.

The question of a reconstruction of the whole classification was suggested, and the Shippers' Association and the railway companies intimated that that was the proper thing to do.

The Chief Commissioner, in the course of his judgment, concurred in by Mr. Commissioner McLean, expressed the view that this was a matter which should be taken up in conference between the shippers and the railways.

HOWELL CO. v. GRAND TRUNK, CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

The difference in toll treatment between two points does not necessarily create an unjust discrimination, since they are on different systems of railways. Upon comparing the toll on imported wood pulp with the toll on the local product, and taking into consideration the mileage involved and the terminal charges on the imported product, the board found that the toll on the imported product was reasonable.

Application that the increase in tolls on imported wood pulp to various points on the lines of the respondents be disallowed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

MCAHON V. CANADIAN FREIGHT ASSOCIATION.

A railway company is justified in refusing to take shipments of C. L. and L. C. L. traffic to flag stations when consigned "to order."

Traffic to flag stations consigned "to order" should be billed to the nearest regular station short of the flag station and sent on to destination, after the endorsed bill of lading has been produced and surrendered and the freight tolls paid.

For unloading into the freight shed and reloading and for rebilling L.C.L. traffic from regular to flag stations, forwarding to and unloading at the said station, the carrier should receive the local toll between the two stations, and for C. L. traffic the through toll should be charged with an additional toll of \$3 per car for rebilling and terminal charges. The detention allowance of forty-eight hours free time is computed from the time of notice of the arrival of the car by the agent to the consignee, after which the carrier will be entitled to charge the authorized demurrage toll.

For the facts, see judgment of the Assistant Chief Commissioner, Appendix "C."

MINIMUM CARLOAD WEIGHTS ON GRAIN, GRAIN PRODUCTS AND VEGETABLES.

The board having called upon the railway companies to justify their proposed increase in the minimum weight per carload of grain, grain products, and vegetables as published in schedule suspended by the board's Order No. 116, the matter came before the board for consideration at its sittings held in Toronto on January 27, 1914, in the presence of counsel for the interested parties. Judgment was reserved, and the board subsequently issued an order (General Order No. 122) rescinding said General Order No. 116, and permitting the companies to put into effect their proposed increase.

EASTERN TOWNSHIPS LUMBER CO. V. TEMISCOUATA RAILWAY COMPANY.

Notwithstanding the provisions in the Railway Act, that tolls may be increased on thirty days' notice, the board, in sanctioning an increase, will take into consideration the effect such increase is likely to have upon existing long-term contracts



## SESSIONAL PAPER No. 20c

between consignors and consignees, and will, when necessary, suspend the increase for a reasonable period so that it shall not fall unfairly upon the shipper in such cases.

The board, in dealing with an application to increase tolls, will consider the character of the railway, the nature of the traffic carried by it, average haul, average tonnage per train, and other conditions affecting its traffic, as well as the tolls charged and sanctioned upon the lines and the traffic conditions of the latter.—*International Paper Co. v. Grand Trunk, Canadian Pacific, and Canadian Northern Ry. Cos. (Pulpwood Case)*, 15 Can. Ry. Cas. 111, referred to.

The facts are fully set out in the judgment of Mr. Commissioner McLean, Appendix "C."

## FULLERTON LUMBER AND SHINGLE CO. V. CANADIAN PACIFIC RAILWAY CO.

The board has no jurisdiction over the tolls for the transportation of commodities by carriers in a foreign country, and a joint toll in excess of the sum of the locals being *primâ facie* unreasonable, it is within its jurisdiction to direct that a Canadian carrier should not, as its division of a through toll, exceed its local.

A group toll arrangement endeavours to average distance and public convenience. If each point of a group is to be singled out for special treatments on a mileage basis, then the group disappears and the points with the shortest mileage get an advantage in marketing, therefore the board cannot lightly interfere with a grouping arrangement simply on a presentation as to one portion of the arrangement.

For full facts, see judgment of Mr. Commissioner McLean, Appendix "C."

## REMOVAL OF AGENTS FROM AGENCY STATIONS.

As the result of numerous complaints lodged against railway companies operating in the western provinces, regarding the removal of agents from permanent stations, the board, in the exercise of its powers under the provisions of the Railway Act, having special regard to sections 26, 28, 30 and 284, directed all railway companies subject to its jurisdiction, before removing a railway station agent, to notify the local municipalities or boards of trade of their intention to apply to the board for an order permitting such removal. The application and notice to state the grounds upon which the removal is sought to be justified, and to show, in each instance, the gross earnings for passenger and freight traffic and express business for the year previous. The order further directed that no railway station agent should be removed until such removal was first authorized by the board.

## REGINA TOLL CASE.

The Regina Board of Trade applied under sections 314 and 339 of the Railway Act for a reduction in the tolls on classes one to ten, inclusive, from the head of the lakes to Regina, alleging that there was unjust discrimination against the applicant in favour of Winnipeg and other points in Manitoba.

All tolls are fixed to the west at Fort William and Port Arthur, the basing points at the head of the lakes, in competition with Duluth and Minneapolis, similar points in the United States. The Canadian Northern Railway Company, one of the respondents, entered into an agreement with the Government of Manitoba, providing that in consideration of the guarantee of certain bonds of the respondent it would reduce its tolls to about 15 per cent of its tariff tolls on all freight other than grain to Fort William and Port Arthur from points in Manitoba and vice versa.

The Canadian Pacific Railway Co., the other respondent, reduced its tolls in a similar manner through stress of competition. The last-named respondent also reduced its tolls voluntarily between the Manitoba boundary and Canmore and the Crowsnest; and in consideration of a subsidy to the Crowsnest Pass line from the

5 GEORGE V., A. 1915

Dominion Government agreed to reduce its tolls from Fort William and points east to points west thereof.

The respondents contended that the circumstances and conditions were not substantially similar and that they were justified in charging a higher toll per ton mile to Regina than to Winnipeg, and that under the agreements above mentioned Regina was not entitled to the benefit of the reductions made by the respondents. It was also contended that the greater density of traffic from the head of the lakes to Winnipeg and other Manitoba points than to Regina, justified the lower toll basis. That Winnipeg being a wholesale and distributing point had a vested right to tolls on a lower basis than Regina.

*Held*, (1) That no agreements as to tolls could defeat the prohibitions and obligations imposed by sections 77 and 315 of the Railway Act.

(2) That the reductions were brought about by the different agreements, and not because of a greater density of traffic.

(3) That Regina as much as Winnipeg was a distributing point within its own zone.

(4) That the special class freight tariffs of the respondents from Fort William and Port Arthur unjustly discriminated in favour of Winnipeg and other Manitoba points to the prejudice and disadvantage of Regina and points west of the Manitoba boundary.

The judgments of the Assistant Chief Commissioner, appearing in Appendix "C" recites the facts fully.

#### ONTARIO AND MANITOBA FLOUR MILLS V. C.P.R. CO.

The board, in the exercise of its jurisdiction to prevent unjust discrimination, has power to order that milling-in-transit be allowed to flour-mill owners applying therefor, upon proof that circumstances and conditions with respect to the traffic from the applicants' mill are substantially similar to those of mills already enjoying such rate.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, Appendix "C."

#### CANADIAN CAR SERVICE. RULE 2.

Complaints were made to the board involving the interpretation of rule 2 of the Canadian Car Service Rules. The position taken by the railway companies was that the consignee should have entered the car within twenty-four hours after its arrival, and having failed to do so should pay demurrage. Clause D of rule 2 provides that "twenty-four hours' additional free time" shall be allowed "for clearance of customs where the destination is a port of entry, making the allowance for clearance of customs and for giving, placing, or delivering orders, forty-eight hours in all."

*Held*. That, under the rule, the forty-eight hours for unloading runs from the termination of the time allowed for clearance of customs.

For reasons for judgment, see judgment Mr. Commissioner McLean, Appendix "C."

#### SWITCHING CHARGES AND PRACTICES.

The question of general interswitching is one that has been engaging the attention of the board for some considerable time, and on July 30, 1913, the board issued circular No. 120, which was sent to all steam and electric railway companies subject to its jurisdiction, as well as to other interested parties. This circular asked, among other things, that the railway companies should make their written submissions on the whole question of interswitching, both as to practices and rates, and called attention to the fact that in addition to the question of interswitching, the board had received many complaints as to the local practices and charges.

## SESSIONAL PAPER No. 20c

The board also required the submissions of the companies as to what rules and practices should be followed and charges made for services of this character at all points of sufficient magnitude on the lines of the respective railway companies to necessitate a local switching movement.

As some of the objections raised by the companies as to switching movements of both cases were based on the insufficiency of the toll, the board desires the submissions of the companies to indicate the principle that, in the opinion of the companies, should be observed in arriving at a rate basis, supported by particulars of the cost the companies are put to in illustrative movements. This important matter is still receiving consideration at the hands of the board, and the board hopes to have it finally disposed of at an early date.

## APPEALS FROM DECISIONS OF THE BOARD.

For the year ending March 31, 1914, there were three appeals made to the Governor in Council from decisions of the Board. That is to say, an appeal by the Canadian Pacific Railway Company from the board's order of February 19, 1913, in connection with an application of the Mountain Lumber Manufacturers' Association respecting lumber rates. This appeal, however, was subsequently withdrawn.

The second appeal was that of the corporation of the city of Toronto, Ont., from two orders of the board, dated June 25, 1912, and numbered respectively 16842 and 16846, in connection with the disposition of the matter of the North Toronto Grade Separation, Yonge street subway. This appeal was dismissed.

The third appeal was that of the Grand Trunk Pacific Railway Company from an order of the board, dated May 14, 1913, in connection with the company's application for the approval of the location of its station site at Prince George, B.C. This appeal was also refused by the Governor in Council.

There were no appeals for the year to the Supreme Court of Canada.

The list of appeals from the board's decisions to the Supreme Court, since its inception to date, will be found under Appendix "K" to this report.

## ORDERS, GENERAL ORDERS AND CIRCULARS.

The total number of orders issued during the year ending March 31, 1914, was 2,597, which shows a decrease of 188 orders from the preceding year. Included in this total were twenty-three general orders, which is an increase of sixteen over the general orders issued for the preceding year. The number of general circulars issued by the board, directed to all railway companies subject to its jurisdiction, for the year was twenty-three, as compared with fourteen for the preceding year. The general orders as distinguished from other orders issued by the board, are those affecting all railway companies subject to the board's jurisdiction. A list of the general orders and circulars of the board for the year ending March 31, 1914, will be found under Appendix "L" to this report.

## JUDGMENTS OF THE BOARD.

A summary of the principal judgments of the board, prepared by the law clerk, Mr. A. G. Blair, will be found under Appendix "C."

## APPLICATIONS TO THE BOARD.

The total number of applications, including informal complaints made to the board, for the year ending March 31, 1914, was 5,566, which shows a decrease from the preceding year of 185. Under Appendix "J" will be found a table classifying the applications and complaints made to the board under the various sections of the Railway Act. It will be noted in this connection that the number of informal com-



5 GEORGE V., A. 1915

plaints received and dealt with by the board for the year shows an increase of fifty-two as compared with the previous year. A detailed statement of these complaints, disposed of without a formal hearing, will be found under Appendix "A" to the report.

#### TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the board the number of tariffs received and filed for the year ending March 31, 1914, were as follows:—

Freight tariffs including supplements.. . . .	72,426
Passenger tariffs including supplements.. . . .	10,044
Express tariffs including supplements.. . . .	9,817
Telephone tariffs including supplements.. . . .	1,703
Sleeping and parlor car tariffs including supplements.. . . .	74
Telegraph tariffs and supplements.. . . .	22

This makes a total of 94,086 for the year, as compared with a previous total for the year ending March 31, 1913, of 76,058, being an increase of 24,028 tariffs. The total number of tariffs filed from February 1, 1904, to March 31, 1914, is 489,025. The details in regard to the tariffs will be found under Appendix "D" of this report.

#### ENGINEERING DEPARTMENT OF THE BOARD.

In the Engineering Department of the board a large number of inspections were made covering the whole Dominion. These inspections for the hearing ending March 31, 1914, number 451 and cover inspections for the opening of a railway for the carriage of traffic, in accordance with the requirements of section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways, and general inspections falling within the general scope of the work of the Engineering Department of the board.

#### OPERATING DEPARTMENT OF THE BOARD.

Under the Operating Department of the board is included the inspection of locomotive boilers and their appurtenances, which has been carried on systematically during the year, and it is apparent, from the small number of accidents that have been reported in this connection, that the railway companies are complying with the requirements of the board's order No. 14115, as per the monthly and annual reports for each locomotive filed with the board.

It should also be noted that the inspection of fire-protective appliances and safety appliances on locomotives, under general orders of the board Nos. 102 and 107, shows that these very important features are being carefully watched. Systematic inspection of station buildings and grounds has also been carried on throughout the year under the supervision of the officers of this department, in addition to the inspection of passenger equipment relating to sanitary conditions at stations.

The board's inspectors, in addition to the above-mentioned matters, have also inquired into complaints of a general character, referred to the department by the board, to a number of 800, and have also reported upon a large number of matters which come under their observation while doing other work, and which taken up in an informal way have been settled directly with the railway companies by the board's officers.

The activity displayed by certain of the railway companies subject to the board's jurisdiction in connection with the "Safety First" movement is commendable, and its extension to a greater number of lines is recommended and urged.

In connection with the investigation of accidents which comes under this department, the total number of killed and injured reported by the various railway companies subject to the jurisdiction of the board for the year ending March 31, 1914, was 2,493; that is to say, 594 persons were killed and 1,899 were injured.



## SESSIONAL PAPER No. 20c

The following is a table giving comparisons between the total number of passengers carried by the railway companies, the number of passengers killed and injured, and the same information as to employees, and as to trespassers, showing the number of trespassers killed and the relative percentage thereof to the total number of persons killed for the year. The figures giving the total number of passengers and employees are for the year ending June 30, 1913.

## PASSENGERS.

No. of Passengers carried on Railways.	No. of Passengers killed.	No. of Passengers injured.
46,185,968	31	339

## EMPLOYEES.

No. of Employees with Railways.	No. of Employees killed.	No. of Employees injured.
178,652	249	1,250

## TRESPASSERS.

No. of Trespassers killed,	Per cent of Trespassers killed to total of 594.
238	40

It will thus be noted that of what may be termed the preventable loss, 238 killed under the heading of trespassers is a very large percentage of the total killed, and in this connection the board has, through the Attorney Generals of the various provinces, taken up the question of prosecuting trespassers on railway property with a view to limiting the large number of fatalities which occur in this way.

The following table shows the totals by provinces as regards trespassers killed and injured for the year ending March 31, 1914:—

Province.	Killed.	Injured.
Ontario.....	129	105
Quebec.....	34	20
Manitoba.....	13	9
Saskatchewan.....	13	10
Alberta.....	17	8
British Columbia.....	32	11
Nova Scotia.....		1
New Brunswick.....		
Yukon.....		
Total.....	238	164

A full and detailed report of the Operating Department of the board will be found under Appendix "F".

5 GEORGE V., A. 1915

## FIRE INSPECTION DEPARTMENT OF THE BOARD.

The work of the Fire Inspection Department has been continued during its second season, along substantially the same lines as those upon which it was organized in May and June, 1912. Co-operation has been continued with the forest and fire-protective organizations of the Dominion and Provincial Governments, and this co-operation has been extended in both Eastern and Western Canada, until nearly sixty of the field officials of such organizations have been appointed officers of the board's Fire Inspection Department. In this way has been handled a very large percentage of the detailed field inspection in connection with right of way clearing, establishment and maintenance of patrols, reporting and extinguishing of fires by railway employees, and the construction of fire guards.

The organizations which have co-operated with the board on the above basis are as follows: Dominion Forestry Branch, Dominion Parks Branch, British Columbia Forest Branch, Department of Agriculture of Alberta, Attorney General's Department of Saskatchewan, Department of Lands, Forests and Mines of Ontario, Department of Lands and Forests of Quebec, and Crown Lands Department of New Brunswick.

Regulations in regard to fire protection which were formerly set out in the board's order No. 16570 will now be found under the board's general order No. 107 issued under date of July 4, 1913, which has amended certain defects contained in the original order. It should also be stated that in general sympathetic co-operation has been given by the railway companies in the carrying out of the board's general order.

The chief fire inspector has prescribed the establishment of special fire patrols in forest sections where the hazard was considered sufficiently great to justify such action. These measures have been supplemented by the issuance of instructions to railway employees relative to reporting and extinguishing fires occurring within 300 feet of the railway track.

Marked improvement has been shown in the conditions of railway rights of way, large amounts of inflammable debris having been disposed of under the provisions of section 297 of the Railway Act.

The requirements relative to fire-guard construction have been somewhat modified, as a result of a joint conference held by the chief fire inspector with representatives of the Grain Growers' Associations of Alberta, Saskatchewan, and Manitoba, and officials of the railway companies concerned. The reports received indicate that a total of 3,899 lineal miles of fire-guards were constructed or maintained by railway companies in the Prairie Provinces.

A total of 732 fires are reported as having started within 300 feet of railway track, throughout the Dominion, during the fire season of 1913. These fires burned over a total area of 21,528 acres, of which 19,984 acres, or 93 per cent, was young forest growth, and only 945 acres, or 4.4 per cent of the total area was merchantable timber land. The total value of property destroyed by the above fires was \$40,779, of which \$6,910 was for merchantable timber, and \$23,235 was the estimated value of young forest growth destroyed. By no means all the above fires are chargeable to railways, since out of the total of 732 fires, only 373, or 51 per cent were reported as having been caused by trains. Forty-seven fires are reported as due to tramps, camp-fires, etc., and ninety-one to other known causes. Those of which the cause is unknown or not reported make up the balance. The above represents a very distinct improvement over the situation in 1912 and previous years.

## ROUTINE WORK OF THE BOARD.

## RECORD DEPARTMENT.

No changes have been made in connection with the clerical staff of this department since the publication of the last annual report. Below is given a table setting

## SESSIONAL PAPER No. 20c

forth the number of applications, informal, complaints, filings and letters received during the year ending March 31, 1914, together with the number of orders issued.

Number of applications made. . . . .	4,605
Number of informal complaints. . . . .	961
Total number of files made during the year. . . . .	5,566
Total number of files made during the previous year. . . . .	5,751
Decrease. . . . .	185
Number of filings received during the year. . . . .	44,866
Number of filings received during the previous year. . . . .	44,570
Increase. . . . .	296
Number of letters sent during the year. . . . .	39,738
Number of letters sent during the previous year. . . . .	37,773
Increase. . . . .	1,965
Numbers of orders issued during the year. . . . .	2,597
Numbers of orders issued during the previous year. . . . .	2,785
Decrease. . . . .	188

Under Appendix "J" will be found a table classifying the applications, complaints, etc., made to the board under the various sections of the Railway Act, compiled by Mr. F. R. Demers, clerk in charge of the Statistical Branch.

Under Appendix "K" will be found a list of cases appealed to the Supreme Court and to the Governor in Council since the 1st of February, 1904.

## OBITUARY.

Since the publication of the last annual report the board has been deprived, through death, of the services of its former chief operating officer, Albert J. Nixon, who died suddenly from heart failure on the evening of the 12th of January, 1914. Mr. Nixon had served some four and a half years as chief operating officer of the board, he having been appointed in July, 1909, and during his time of service had proved himself a capable and efficient officer, and his sudden and untimely death deprived the board of the services of one of its most valued officials. The vacancy caused by his death has been filled by the promotion of Mr. Geo. Spencer, of the board's staff, to be chief operating officer of the board.

## APPENDIX A.

## LIST OF COMPLAINTS FILED WITH THE BOARD OF RAILWAY COMMISSIONERS, YEAR ENDING MARCH 31, 1914.

3836. Delay of the Grand Trunk Railway in supplying empty cars to a Toronto siding, when said cars are to be destined to points on railways other than the Grand Trunk.

3837. Excessive freight rate charged on car of coal between Guelph and Fergus, Ont., on the Grand Trunk railway.

3838. Routing given by the Dominion Express Company to a parcel of furs shipped from Cardigan, N.B., to Corry, Pa.

3839. Proposed removal of Maharg station (formerly Calgary Junction, Alta.) by the Canadian Pacific Railway.

3840. Amount offered by the Galt, Preston and Hespeler Railway for piece of land contiguous to their railway in Galt, Ont.

3841. Delay of the Grand Trunk Railway Company in settling claim for a box of patterns lost in transit from Owen Sound to Belleville, Ont.

3842. The Dominion Express Company collecting express charges at destination on a prepaid shipment billed from Belleville, Ont., to Rossland, B.C.

3843. The Dominion Express Company's charges on an automobile shipped from Winnipeg, Man. to Montreal, Que.

3844. The Grand Trunk Railway's inability to have sufficient empty cars supplied at Hull station, Quebec.

3845. Unsatisfactory train service at Findley Station, Ontario, on the Grand Trunk railway.

3846. Alleged excessive freight rate charged by the Canadian Pacific Railway on a motorcycle shipped from Port Arthur to London, Ont.

3847. The Dominion Express Company, for alleged excessive charges on child's rocking chair shipped from Saskatoon to Blucher, Sask.

3848. Dangerous condition of Canadian Pacific Railway crossing the March road, near Ottawa, Ont.

3849. The Canadian Pacific Railway, for goods stolen in transit from Germany to New Brigden, Alta.

3850. The obstruction to traffic caused by shunting operations of the Grand Trunk Railway at the intersection of Notre Dame and St. Ferdinand streets, Montreal, Que.

3851. Dangerous condition of crossing of the Canadian Pacific Railway at the town line road near Blandford Station, Ont.

3852. Delays in transit to shipments of freight on the Canadian and Interecolonial railways.

3853. Car shortage on the Windsor, Essex and Lake Shore Rapid railway.

3854. Delay of the Canadian Express Company in settling claim for loss of poultry on account of detention in transit between Gelert, Ont., and Toronto, Ont.

3855. Alleged excessive freight rates on firebrick shipped from Toronto, Ont., to Cochrane, Ont., via the Grand Trunk and Temiskaming and Northern Ontario railways.

3856. The dangerous condition of the high voltage electric wires which cross the Michigan Central Railway tracks at Montrose Junction, Ont.



## SESSIONAL PAPER No. 20c

3857. The Grand Trunk Railway freight cartage service in the city of Toronto, Ont.

3858. Increased switching rates on brick charged by the Grand Trunk Railway in Toronto, Ont.

3859. Delay of the Canadian Northern and Canadian Pacific Railways in settling for car of wood lost in transit between Sleeman, Ont., and Winnipeg, Man.

3860. The Canadian Pacific Railway closing a road depot at Okanagan Landing, B.C.

3861. Unsatisfactory train service furnished by the Brockville, Westport and Northwestern Railway at Brockville, Ont.

3862. The refusal of the Bell Telephone Company to install a telephone in a residence on Bordeaux street, Montreal, Que.

3863. The condition of road-bed on the Brockville, Westport and Northwestern Railway.

3864. Lack of notices or announcements as to destination of trains running small stations outside of Toronto on the line of the Canadian Pacific Railway.

3865. The freight rate of the Atlantic, Quebec and Western Railway between Metapedia and Ste. Adelaide de Pabos, Que.

3866. Refusal of the Grand Trunk Pacific Railway to settle for horses killed on their right of way due to lack of cattle guards.

3867. The charges on local switching and interswitching at Winnipeg, Man.

3868. The delay in transit to box of goods shipped from Scotland to London, Ont., via the Canadian Pacific Railway from St. John, N.B.

3869. The Canadian Northern Railway, for not removing snow fences from property at Somerset, Manitoba.

3870. The dangerous crossing of the Canadian Northern Railway across the Fort William road, about half way between Fort William and Port Arthur, Ont.

3871. Delays of railways in presenting bills for icing refrigerator cars.

3872. Unsatisfactory conditions with regard to loading and unloading cars at Simpson Pit siding on the Grand Trunk Railway near Killaloe, Ont.

3873. Unsafe condition of engines on the Saskatchewan division of the Canadian Pacific Railway.

3874. The Canadian Northern Railway, for non-settlement for right of way on the Canora-Sturgis branch.

3875. Railway warehouse storage charges in Ottawa, Ont.

3876. The delay of the Canadian Northern Railway in settling claim for apples frozen in transit.

3877. The Canadian Express Company's rates on cream.

3878. The Niagara, St. Catharines and Toronto Railway and Grand Trunk Railway for discrimination in favour of certain firms and not supplying sufficient cars for the forwarding and delivering of freight.

3879. Freight rates from Fonthill, Ont., to Merriton, Welland, Toronto, Port Robinson, Thorold, and points on the Grand Trunk Railway, Toronto, Hamilton and Buffalo Railway and the Niagara, St. Catharines and Toronto Railway.

3880. Freight rate charged by the Canadian Pacific Railway on an automobile, shipped with settler's effects, from Bulyea, Sask., to Vancouver, B.C.

3881. The Dominion Atlantic Railway agent at Wolfville, N.S., refuses to count shipment and will not sign bill of lading except with shippers' count clause inserted.

3882. Prince Albert, Sask., not having a through-rate tariff, goods being rebilled at Saskatoon, and consignees having no way of checking up advance charges.

3883. Lack of proper drainage at Cardale, Man., on the Canadian Northern Railway.

3884. No shelter provided for passengers at Rideau, B.C., on the Great Northern Railway.



5 GEORGE V., A. 1915

3885. Grand Trunk train despatcher allowing an engine to run from Fort Covington, N.Y., to Huntingdon, Que., in charge of unqualified men.

3886. Great Northern Railway running through property without providing gates at farm crossings near Rideau siding, Grand Forks, B.C.

3887. Bell Telephone Company's rates for residence telephone at Mimico, Ont.

3888. Dominion Express Company's charge on an egg crate shipped from London, Ont., to Shawville, Que.

3889. Manifest fee charged on express parcels shipped from the United States into Canada, and alleged excessive express rates charged between the two countries.

3890. The cartage charges at Prince Albert, Sask.

3891. Alleged excessive freight rate charged by the New York Central Railway on goods shipped from Highlands to Valleyfield, Que.

3892. The Canadian Northern Ontario Railway not providing proper farm crossings in the township of Camden, Ont.

3893. Canadian Pacific and Canadian Northern Railway train connections at Saskatoon, Sask.

3894. The delay in transit to car of buggies shipped from Brantford, Ont., to Arran, Sask., over the lines of the Toronto, Hamilton and Buffalo, Canadian Pacific, and Canadian Northern Railways.

3895. Cartage conditions at Toronto, Ont., resulting from railway cartage teamsters' strike.

3896. Drainage conditions caused by blocking of culvert on the Canadian Northern Wroxtton to Yorkton extension.

3897. Unsatisfactory drainage provided by the Canadian Pacific Railway at a subway on a road running north of the village of Newcastle, Ont.

3898. Freight rate charged by the Canadian Pacific Railway on three cars of potatoes shipped from Pocomoke, Md., to Montreal, Que.

3899. Delay in transit to car of lumber shipped from Deschenes, Que., to Toronto, Ont., via the Canadian Pacific Railway.

3900. Failure of the Grand Trunk Pacific Railway to provide facilities for a highway crossing over their yard tracks at Redditt, Ont.

3901. The demurrage charges assessed by the Canadian Pacific Railway on a car unloaded within four hours after the free time allowance.

3902. Refusal of the Canadian Pacific Railway to settle for horses killed on their right of way at Lockwood, Sask.

3903. Delay in transit in shipment of goods from Windsor to Orillia, Ont., over the line of the Grand Trunk Railway.

3904. Refusal of the Grand Trunk Railway to settle claim for excess charges on a car of corn shipped from Chicago, Ill., to Peterboro, Ont.

3905. Dangerous crossing over the line of the Canadian Pacific Railway at Victoria street, Shelburne, Ont.

3906. Dangerous crossing over the line of the Canadian Pacific Railway at Main street, Shelburne, Ont.

3907. Passenger accommodation and passenger cars provided by the Grand Trunk Pacific Railway from Prince Rupert inland.

3908. Express rates on fruit, incoming and outgoing, in the province of British Columbia.

3909. Proposed advance in freight classification on dump wagons.

3910. The advance in freight rates on crushed stone, sand, etc., shipped to Montreal, Que.

3911. Alleged excessive express rates charged by the Dominion and Canadian Express Companies on consignment of grass seed shipped from Navan to Huntsville, Ont.

3912. Alleged excessive express rates charged by the British American Express Company to points on the Algoma Central Railway.

## SESSIONAL PAPER No. 20c

3913. The Canadian Pacific Railway engines setting fires to grazing lands at Viceroy, Sask., and employees burning fire-guards without proper precautions.

3914. Delay of the Great Northern Railway in settling for flax seed lost in transit from Starkweather, N.D., to Forest, Ont., via Great Northern and the Chicago, Minneapolis and St. Paul Railways.

3915. Delay of the Canadian Pacific Railway in settling for damages done to property at Alameda, Sask., by reason of snow fences being left erected beyond the required time.

3916. Grand Trunk Pacific Railway rates on a shipment of cordwood from Roundcroft, Alta., to Edmonton, Alta.

3917. Lack of proper fire guards on the Canadian Northern Railway in the vicinity of Strathmore, Alta.

3918. Canadian Express Company's inattention to claims for overcharges.

3919. Refusal of the Dominion Atlantic Railway to carry out its contract with regard to "unlimited" tickets.

3920. The Dominion Atlantic Railway not having its coaches sufficiently warmed.

3921. The Dominion Atlantic Railway discriminating in favour of tourists from the United States with regard to excursion fares.

3922. The Père Marquette Railway Company, for placing time limit for loading fish at different points along their line.

3923. Alleged excessive freight rate charged by the Canadian Northern Railway between Winnipeg and Kitscoty, Alta.

3924. Alleged excessive freight rates charged on a car of seed oats shipped from Rokeby to Margo, Sask., over the Canadian Pacific, Grand Trunk Pacific and Canadian Northern Railways.

3925. The Chatham, Wallaceburg and Lake Erie Railroad for the unsatisfactory handling of car of corn shipped from Pain Court, Ont., to Hensall, Ont.

3926. The unsatisfactory manner in which the American Express Company handles empty milk cans between Welland, Ont., and St. Anns, Ont.

3927. No provision being made, by Railway Companies in their new tariffs, for crockery, except under regular class rate (covering import shipments via Montreal and Quebec).

3928. The Grand Trunk Railway Company's train service between Haliburton and Lindsay, Ont.

3929. Canadian Pacific freight rate on cattle shipped from Bellamy's Station, Ont., to Kazabazua, Que.

3930. Delay in transit to a consignment of seed shipped from Chicago, Ill., to Bothwell, Ont., via the Grand Trunk Railway.

3931. Refusal of the Canadian Northern Railway to install a farm crossing on a farm at Spruce Grove Centre, Alta.

3932. Delay of the Canadian Pacific Railway in handling tracers for shipments.

3933. Refusal of the Canadian Pacific Railway to entertain claim for damages done to property at Viceroy, Sask., by contractors of the said railway.

3934. Freight classification of iron and steel materials for bridges and construction work.

3935. The alleged refusal of the Canadian Northern Ontario Railway to compensate owner for extra land taken at Ottawa street, Richmond, Ont.

3936. Unsatisfactory service of the American Express Company with regard to the handling of empty milk cans between Welland and St. Anns, Ont.

3937. Alleged excessive freight rate charged by the Canadian Northern Railway on stock and settlers' effects shipped from St. Rose du Lan, Man., to Cluny, Alta.

3938. Delay of the Intercolonial Railway in handling shipment of trees from Halifax, N.S., to Montreal, Que.

3939. Rates charged by the Bell Telephone Company for private wire connecting their works with private exchange.

3940. The Canadian Pacific Railway Company's proposed extension of telegraph line from Port McNicoll to Midland, Ont., on the same side of the road as the high tension wires of the Simcoe Railway and Power Company.

3941. Unsatisfactory condition of the road bed of the Brockville, Westport and Northwestern Railway.

3942. Unsatisfactory lighting of Vaudreuil Station, Que., and other stations in the vicinity of Dorion Village, Que., on the Grand Trunk and Canadian Pacific Railways.

3943. The Canadian Pacific Railway constructing telegraph line on the same side of the road as the high tension wires of the Simcoe Railway and Power Company, running into Midland, Ont.

3944. Railway charges for cartage in the city of Winnipeg, Man.

3945. Car shortage on the line of the Quebec Oriental Railway at Richmond and Bonaventure, P.Q.

3946. Car shortage on the line of the Michigan Central Railway at Hagersville, Ont., also alleged excessive switching charges at that point.

3947. The Canadian Pacific Railway proposed straightening of main line, Oakshella to Grenfell, through private property without any notice being given or any compensation being provided for.

3948. Proposed Special Tariff covering rates on clay to be put into effect on May 16th, 1913, by the Grand Trunk Railway.

3949. Unsatisfactory train service on the Kootenay Central Railway (Canadian Pacific Railway) between Elko and Fort Steele, B.C.

3950. Delay of the Canadian Northern Railway in handling a car of grain from Donalda, Alta., to Port Arthur, Ont.

3951. Railway Companies compelling claimants to deliver up to them the straight bill of lading as well as original expense bill covering shipment for which claim is made.

3952. Loss of section of a kitchen cabinet en route from Hamilton, Ont., to Naseby, Sask., over the Canadian Pacific Railway.

3953. The Canadian Pacific Railway Company not giving the five cent per bushel rate on wheat from any other lake elevator than Port McNicoll when same is destined to Montreal for export.

3954. The Canadian Pacific Railway not fencing the North side of their right of way at mile 87.6 between Banff and Laggan, Alta.

3955. Car shortage on the Temiscouata Railway.

3956. Alleged excessive freight rate charged on car of oats shipped from Thackeray, Sask., to Emo, Ont., via Canadian Pacific and Canadian Northern Railways.

3957. Rate charged by the Bell Telephone Company for telephone connection between Cambray, Ont., and Lindsay, Ont.

3958. Car shortage at Barry's Bay, Ont., on the Grand Trunk Railway.

3959. Lack of proper fire guards on the Goose Lake branch of the Canadian Northern Railway in the vicinity of Hanna, Alta.

3960. Shortage of cars suitable for shipment of stone at St. Marys, Ont., on the Grand Trunk Railway.

3961. Freight rates charged by the Grand Trunk Pacific Railway Company between Clover Bar and Edmonton, Alta., and the inadequate facilities for weighing cars at Edmonton, Alta.

3962. Unsatisfactory method Carriers and Transportation Companies have of dealing with claims for shortage and goods damaged in transit.

3963. Freight rates on lumber from Cincinnati to Uxbridge, Ont., over the Grand Trunk Railway.



## SESSIONAL PAPER No. 20c

3964. Delay of the Canadian Pacific Railway in settling for some plow parts lost in transit between Winnipeg, Man. and Hume, Sask.

3965. Proposed increase in grain loading charge embodied in Canadian Pacific Railway Company's Supplement No. 5 to C.R.C. 2538.

3966. The Bell Telephone Company's interchange agreement, with respect to tolls specified in clauses nine and seventeen.

3967. The Grand Trunk and Michigan Central Railway Companies making no reply to an application to carry telephone wires across their lines of railway in the townships of Bertie and Willoughby, Ont.

3968. Delay in transit to a car of grain from Bounty, Sask., to Port Arthur, Ont., over the Canadian Pacific Railway.

3969. Unsatisfactory drainage provided by the Canadian Northern Quebec Railway Company in the parish of St. Joseph de Deschambault, Que.

3970. Car demurrage being assessed by the Grand Trunk Railway Company on a tank car held on a siding at Onondaga, Ont., until the roads leading thereto were made passable.

3971. Damage to property at Keddleston, Sask., caused by a fire started by the Canadian Pacific Railway.

3972. Unsatisfactory condition of a ditch on the north side of the Canadian Northern Railway in the Township of Atwood, Ont.

3973. Freight rate charged by the Canadian Pacific Railway on shipments of brick from Portage la Prairie, Man., to points in Saskatchewan and Alberta.

3974. Crude class of car seals used by railway companies.

3975. Switching rates in the city of Toronto, Ont., alleged excessive freight rates on lumber, and inability of the Canadian Northern Ontario Railway to supply cars at the time wanted.

3976. Unsatisfactory collection and delivery service of the Canadian Express Company at St. Thomas, Ont.

3977. Delay of the Great Northern Railway Company in fencing their right of way in the vicinity of Creston, B.C.

3978. Delay of the Canadian Northern and Canadian Pacific Railway Companies in handling live stock, and having particular reference to a shipment from Ottawa to Port Arthur, Ont., over the Canadian Pacific Railway.

3979. Freight rate and classification on a shipment of marble from Rutland, Vt., to Calgary, Alta., via Canadian Pacific Railway.

3980. Condition of shelter at Dufresne, Man., on the Canadian Northern Railway.

3981. Unsatisfactory freight service and delay in the transportation of goods shipped from Norwich, Ont., over the Grand Trunk Railway.

3982. Delay of the Grand Trunk Railway Company in settling claim for an enamelled bath tub damaged in transit from Port Hope, Ont., to Bowmanville, Ont.

3983. Express rates charged on a small parcel shipped from Pembroke, Ont., to Emo, Ont., by the Canadian Northern and Dominion Express Companies.

3984. Excessive passenger rates charged by the British Columbia Express Company between Quesnel, B.C., and Fort George, B.C.

3985. Unsatisfactory train service provided by the Grand Trunk Railway Company at Randall, Ont.

3986. Delay in transit to shipment of castings from Oshawa, Ont., to Guelph, Ont., over the Grand Trunk Railway.

3987. Unsatisfactory location of Canadian Pacific Railway Company's station at Brechin, Ont.

3988. Dangerous highway crossing over the tracks of the Toronto, Hamilton and Buffalo Railway at West Hamilton, Ont.



3989. Canadian Northern Railway Company's cartage charges in the city of Winnipeg, Man.

3990. Delay of the Canadian Pacific Railway Company in tracing shipment of steam cookers billed from Toledo, Ohio, to Brithdir, Sask.

3991. Lack of proper fencing and cattle guards on the Rossburn branch of the Canadian Northern Railway.

3992. Excessive storage charges of the Canadian Pacific Railway at New Westminster, B.C.

3993. Refusal of the Grand Trunk Railway to place any more cars on the town siding at Cobourg, Ont.

3994. Freight rates on sand from various points on the Grand Trunk and Canadian Pacific Railways to Guelph, Ont.

3995. Dangerous condition of the tracks of the Canadian Northern Quebec Railway in the vicinity of Grande Mere, Que.

3996. Form of siding agreement of the Michigan Central Railway Company.

3997. Unsatisfactory condition of cattle pass and farm crossing in the township of Camden, Ont., on the Canadian Northern Ontario Railway.

3998. Fencing on the Midland Division of the Great Northern Railway.

3999. Refusal of the National Transcontinental Railway Commission to provide siding accommodation near Point Blanc, Que.

4000. Action of the Grand Trunk Railway Company in taking possession of a car of coal shipped over their line for private use.

4001. Unsatisfactory freight classification of binder twine, wagons, and mixed implements.

4002. Unsatisfactory freight service furnished by the railway companies handling shipments from Kincardine, Ont., to Petrolia, Barrie, Toronto and St. Catharines, Ont.

4003. Dangerous practice of railway employees leaving vestibule doors open on coaches while trains are in motion.

4004. Unsatisfactory train service furnished by the Canadian Pacific Railway to and from Adamsville, Que.

4005. Delay in the transportation of freight between Toronto, Ont., and Grass Hill, Ont., over the Canadian Pacific Railway.

4006. Unsatisfactory train service provided by the Grand Trunk Railway Company between Belleville and Peterboro, Ont.

4007. Lack of platform and freight shed accommodation provided by the Grand Trunk Pacific Railway Company at Fort Qu'Appelle, Sask.

4008. Loss and inconvenience caused by delay of the Canadian Northern Railway in handling shipment of seed from the United States to Fort Saskatchewan, Alta.

4009. Delay in the transportation of shipments handled by the Canadian Pacific Railway Company from Toronto, Ont., and Montreal, Que., destined for Fort Qu'Appelle, Saskatchewan.

4010. Index to the Bell Telephone Company's Directory at Kingston, Ont.

4011. Canadian Northern Railway Company's engines setting fire to property at Plumas, Man., by emitting sparks from smokestack.

4012. The Canadian Northern Railway Company taking land required for spur purposes without the owners' consent in the vicinity of Prince Albert, Sask.

4013. Proposed change in location of the Canadian Pacific Railway Company's station at Hudson, Que.

4014. The Quebec, Montreal and Southern Railway Company for dismissing a conductor who refused to pass a train register station.

4015. Delays of the American Express Company in handling a shipment from Boston, to St. John, N.B.

## SESSIONAL PAPER No. 20c

4016. Delay of the Canadian Northern Railway Company in placing cattle guards and fences through property in the vicinity of Delroy, Alta.

4017. Bridge across the Irrigation Canal at Calgary, Alta., being torn down thus removing the easy access of property owners to Canadian Pacific Railway Company's shops at that point.

4018. The Great Northern Railway Company interfering with traffic on highway near Crescent, B.C.

4019. The removal of telephone from the freight office of the Grand Trunk Railway Company at Thorold, Ont.

4020. Unsatisfactory condition of Canadian Pacific Railway Company's culvert at the Seventh Concession Line, township of Tecumseh, Ont.

4021. Delay of the Grand Trunk Pacific Railway Company in completing its railway to Moosejaw, Sask.

4022. Refusal of the Canadian Northern Railway Company to install a subway crossing in the Rural Municipality of Lumsden, No. 189.

4023. Drainage conditions on the Grand Trunk railway between the station and eastern subway at Trenton, Ont.

4024. Freight overcharge and delay in transportation to a car of oats shipped to Lac St. Jean, Que., over the Quebec and Lake St. John railway.

4025. Unsatisfactory condition of culverts under the Canadian Northern and Canadian Pacific railways in the Village of Maryfield, Sask.

4026. Alleged excessive freight rate charged on truck and baby carriage shipped over the Canadian Pacific Railway from Victoria, B.C., to Woodstock, Ont.

4027. Lack of fencing on the Canadian Northern Railway Company's right of way near Vassar, Man.

4028. Unsatisfactory train service provided by the Canadian Pacific railway at Bisco, Ont.

4029. Unsatisfactory condition of Canadian Northern Railway Company's yards at Kenaston, Sask.

4030. Alleged excessive freight rates on lumber shipped from the Southern States over the Grand Trunk railway to Midland, Ont.

4031. Blocking of highway crossing at Orcadia, Sask., by the Canadian Pacific Railway Company's freight trains.

4032. Delay of the Canadian Northern Railway Company in settling for goods lost in transit between Winnipeg, Man., and St. Joseph, Man.

4033. Alleged dangerous condition of loading platform at Hayter, Alta., on the Canadian Pacific railway.

4034. Unsatisfactory condition of Grand Trunk Pacific Railway Company's right of way on Empire avenue, Fort William, Ont.

4035. Refusal of the Canadian Pacific Railway Company to switch a car to the Grand Trunk Railway Company's tracks at Brampton, Ont.

4036. Refusal of the Grand Trunk Pacific Railway Company to have objectionable party removed off property which they sold at Edson, Alta.

4037. Refusal of the Canadian Pacific Railway Company to allow a fireman to run a locomotive until he had passed his examination as locomotive engineer.

4038. The Canadian Northern Railway for refusing to settle for horses killed on their right of way on account of lack of cattle guards.

4039. Lack of fencing on the Canadian Northern railway in the vicinity of Delia, Alta.

4040. The Dominion Express Company, for withdrawing carload rate on Canadian fruit from Sumas to Calgary, Alta.

4041. Lack of fencing on the Canadian Northern Railway Company's right of way in the vicinity of Badger, Man.

4042. Lack of fencing on the Canadian Northern Railway Company's right of way in the vicinity of Langdon, Alta.

4043. Lack of fencing on the Canadian Northern Railway Company's right of way in the vicinity of Bowman River, Man.

4044. Alleged discrimination of the Canadian Pacific Railway Company with regard to cartage charges in the city of Vancouver, B.C.

4045. Alleged unjustifiable dismissal of employee by the Grand Trunk Railway Company.

4046. Lack of iced refrigerator car service on the Boston and Maine railroad between Sherbrooke and Stanstead, Que.

4047. Refusal of the Grand Trunk Railway Company to give a rebate on unused portion of coupon tickets good between Montreal and St. Lambert, Que.

4048. Unsatisfactory location of farm crossing installed by the Canadian Pacific Railway Company near Reaboro, Ont.

4049. Unsatisfactory service furnished by the Bell Telephone Company in Montreal, Que., with regard to the moving of "Blake Set" telephone from one apartment to another.

4050. Lack of fencing on the Canadian Northern Railway Company's Melford-Humboldt branch in the vicinity of Melfort, Sask.

4051. Unsatisfactory condition of Edmonton, Dunvegan and British Columbia Railway Company's highway crossings in Local Improvement District No. 549, near St. Albert, Alta.

4052. The British Columbia Electric Railway Company's increased switching rate between Eburne and Vancouver, B.C.

4053. Alleged excessive rates charged on butter and cheese shipments, by the Ontario and Quebec Navigation Company of Picton, Ont.

4054. Delay of the Canadian Pacific Railway Company in sending out notification of the arrival of green feed at Medicine Hat, Alta.

4055. Refusal of the Canadian Pacific Railway Company to settle for damage to bicycle in transit between Kingston, Ont., and Saskatoon, Sask.; also the alleged excessive storage charges on pieces at destination.

4056. Collection and delivery service of the Canadian Northern Express Company in the city of Toronto, Ont.

4057. Damage to burying ground at Campbellville, Ont., caused by Canadian Pacific Railway construction work.

4058. Delay of the Canadian Northern Railway Company in putting town lots on sale at Cereal, Alta.

4059. Lack of station conveniences and agent at Cabane Ronde, Que., on the Canadian Pacific railway.

4060. The Grand Trunk Railway Company delivering car of coal to Valleyfield, Que., instead of Alexandria, Ont.

4061. Refusal of the Grand Trunk Railway Company to settle claim for car of coal shipped in error to Alexandria, Ont., instead of Casselman, Ont.

4062. Unsatisfactory condition of fences along the Canadian Northern Ontario Railway Company's right of way in the vicinity of Glen Ross, Ont.

4063. Alleged injustice of the Grand Trunk Pacific Railway Company in not granting rebate on passenger ticket issued to stockman on his way to shipping point of the live stock.

4064. Grand Trunk Railway Company's freight rates on lumber between Sherbrooke, Que., and Montreal, Que.

4065. Passenger rate charged for drawing-room accommodation on the Inter-colonial railway between Newcastle, N.B., and Montreal, Que.

4066. Refusal of the Grand Trunk Railway Company to make settlement for fire damage done to property alleged to have been caused by sparks from engine.



## SESSIONAL PAPER No. 20c

4067. Excessive shunting charges on a car shipped from the Don Flats on the Canadian Northern railway to North Toronto station on the Canadian Pacific railway.

4068. Refusal of the Canadian Pacific Railway Company to lift cars from a siding at Calgary, Alta.

4069. Unsatisfactory condition of roads leading up to Canadian Northern Railway Company's elevators at Englefeld, Sask.

4070. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 5 and 6, township 39, range 3, west of the third meridian.

4071. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 4 and 5, township 39, range 2, west of the third meridian.

4072. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 33 and 34, township 38, range 2, west of the third meridian.

4073. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 2 and 3, township 39, range 2, west of the third meridian.

4074. Unsatisfactory condition of highway crossing over the Canadian Northern railway between section 1, township 39, range 3, west of the third meridian, and section 6, township 39, range 2, west of the third meridian.

4075. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 2 and 3, township 39, range 3, west of the third meridian.

4076. Unsatisfactory condition of highway crossing over the Canadian Northern railway between sections 5 and 6, township 19, range 3, west of the third meridian.

4077. Dangerous condition of way freight trains being run by the Grand Trunk Railway Company on their 11th, 12th, and 13th districts.

4078. Refusal of the Canadian Express Company to settle claim for eggs lost in transit between Woodstock, Ont., and Montreal, Que.

4079. Delay of the Canadian Pacific Railway Company in handling a car of household goods shipped from McTaggart, Sask., to Baden, Ont.

4080. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Hatton, Sask.

4081. New York Central Railway trains blocking farm crossings in the parish of St. Stanislas de Kotska, Que.

4082. Freight classification of well casings and iron pipe.

4083. Delay of the Canadian Northern Railway Company in making settlement of claim for goods lost in transit between Montreal, Que., and Prince Albert, Sask.

4084. Delay of the Canadian Pacific Railway Company in having bridge at farm crossing repaired in the parish of St. Maurice, Que.

4085. Lack of cattle guards on the Grand Trunk Pacific railway in section 4, township 12, range 16, west of the first meridian, in the vicinity of Inglelow, Man.

4086. Snow blockade of highway crossing over the Atlantic, Quebec and Western railway at St. Adelaide de Pabos, Que.

4087. Inability to obtain settlement with the Canadian Pacific Railway Company for right of way in the west half of section 35, township 14, range 14, west of the third meridian.

4088. Unsatisfactory telephone service provided by the Adelaide Telephone System in the vicinity of Arkona, Ont.

4089. Numbers of engines not being clearly shown on engines and engine headlights.

4090. Lack of fencing on the Atlantic, Quebec and Western railway near McRae's Crossing, St. Adelaide de Pabos, Que.

4091. Routing given to a shipment of cigars from Vancouver, B.C., to Prince Albert, Sask.

4092. Proposed increase in freight rate on brick between Milton, Ont., and Toronto, Ont., over the Grand Trunk railway.



5 GEORGE V., A. 1915

4093. Unsatisfactory freight and passenger service provided by the Grand Trunk Railway Company between St. Thomas and Glencoe, Ont.

4094. Delay in transit to a car of potatoes via the Grand Trunk railway from Toronto to Comber, Ont.

4095. Unsatisfactory system adopted by railway companies in dealing with rebates on unused portions of passenger tickets.

4096. Unsatisfactory condition of drainage and culverts on the Grand Trunk and Central Ontario railways in the vicinity of Trenton, Ont.

4097. Fire damage to property which spread from right of way of the Central Ontario Railway Company's Bancroft branch at Hybla, Ont.

4098. Unsatisfactory mail and passenger service provided by the Canadian Pacific Railway Company on its Kingston and Pembroke branch.

4099. The Grand Trunk Railway Company routing shipments from Belleville to British Columbia points via the Grand Trunk Pacific instead of via Canadian Pacific railway, lake and rail, as directed on the bill of lading.

4100. Delay of the Grand Trunk Railway Company in handling a shipment of seed corn from Blenheim, Ont., to Bracebridge, Ont.

4101. Proposed blocking of navigation on the Fraser River, B.C., with bridge construction at Mile 146 by the Grand Trunk Pacific Railway Company.

4102. Alleged excessive freight rate charged by the Grand Trunk Railway Company on carload lots of poultry grits.

4103. The Canadian Northern Railway Company holding up delivery of freight at Weyburn, Sask., on account of an unpaid claim in their favour.

4104. Unsatisfactory location of Intercolonial Railway Company's station at St. Philippe de Néri, Que.

4105. Alleged neglect of the Canadian Pacific Railway Company in not providing water in stockyards at Sudbury, Ont., during the warm weather.

4106. Refusal of the Grand Trunk Pacific Railway Company to settle claim for loss of personal effects while changing sleepers at Battle Creek, Sask.

4107. Inconvenience suffered at the hands of immigration officials while travelling between United States and Canada.

4108. Alleged lack of protection for cattle at highway crossing on the Canadian Pacific railway near Ponoka, Alta.

4109. Improper cattle guards provided by the Canadian Northern Railway Company in the vicinity of Beatty, Sask.

4110. Lack of fencing on the right of way of the New Brunswick Southern railway (Canadian Pacific Railway Company) in the vicinity of Bonny River, N.B.

4111. Refusal of the Canadian Northern Railway Company to settle claim for financial loss on account of delay in transit to a car of tough grain shipped from Cardale, Man., to Port Arthur, Ont.

4112. Condition of ditch on Canadian Pacific Railway Company's right of way on lots 28 and 29, concession 14, township of Hullett, Ont.

4113. Lack of fencing on the Canadian Northern Railway Company's Melford-Humboldt branch in Carrot River rural municipality No. 429.

4114. Refusal of the Wabash Railroad Company to have trains No. 6 and 28 stop at Windsor station, Ont.

4115. Refusal of the Canadian Express Company to deliver goods in bad order in the city of Toronto, Ont., unless they are given a release covering the damage to same.

4116. Lack of fencing on the right of way of the Canadian Pacific railway from Golden, B.C., easterly.

4117. Alleged excessive freight rate charged by the Canadian Pacific Railway Company on a car of settler's effects, including an automobile shipped from Calgary, Alta., to Victoria, B.C.

## SESSIONAL PAPER No. 20c

4118. Lack of fencing on the right of way of the Canadian Northern Railway Company's (McRorie-Alsask extension) in the northeast quarter of section 2, township 28, range 10, west of the third meridian, near Anerley, Sask.

4119. Delay of the Canadian Pacific Railway Company in settling a claim for goods lost in transit.

4120. Refusal of the Dominion Express Company to accept fruits for shipment on eastbound train No. 4 at Port Hammond, B.C.

4121. Refusal of the Grand Trunk Railway Company to provide a farm crossing over their right of way near Glencoe, Ont.

4122. The Canadian Pacific Railway Company charging seat fare in addition to first-class fare between Medicine Hat, Alta., and Winnipeg, Man., on the "Imperial Limited" train.

4123. Unsatisfactory condition of highway crossing over the Quebec Oriental railway in the vicinity of New Richmond, Que.

4124. Lack of information, timetables, etc., with regard to the arrival and departure of trains at various points on the Grand Trunk railway.

4125. Refusal of the Intercolonial Railway Company to route shipments from points on their line of railway to points in the United States as the shippers desire them routed.

4126. Dangerous condition of highway crossing over the Canadian Pacific railway on the road leading to Port Burwell, Ont.

4127. The Canadian Pacific Railway Company not complying with the terms of order of the board, No. 16862, with regard to the stopping of mail trains at Lesage flag station, Que.

4128. Lack of proper drainage at highway crossing over the Canadian Northern railway west of Vonda station, Sask.

4129. Lack of accommodation for passengers and freight at Mulvihill siding, Manitoba, on the Canadian Northern railway.

4130. Refusal of the Canadian Northern Railway Company's agent at Ste. Anne, Man., to answer rural system telephone installed in the station unless paid for the service.

4131. Fire damage to timber in the vicinity of Maynooth, Ont., alleged to have been caused by sparks from Central Ontario Railway Company's trains.

4132. Lack of farm crossing over the Canadian Northern railway in section 9, township 18, range 19, near Erickson, Man.

4133. Dangerous condition of highway crossings over the Canadian Northern railway near Strathclair, Man.

4134. Alleged excessive freight rate charged on a 7-pound package of tea shipped from Toronto, Ont., to Beaumaris, Ont., via the Canadian Express Company.

4135. Lack of fencing along the right of way of the Kingston and Pembroke Railway Company near Caldwell's Mills, Ont.

4136. Alleged overcharge on settler's effects shipped over the Michigan Central railway from Lythmore, Ont., to Radison, Sask.

4137. The Canadian Pacific Railway Company removing a highway crossing over their tracks near Iberville Jct., Que.

4138. The tenth-class rate on goods shipped over the Grand Trunk railway from Thedford, Ont., to Oakville, Ont.

4139. Inability to obtain settlement of claim against the Canadian Pacific Railway Company for stock killed on their right of way.

4140. Alleged unjust dismissal of an employee by the Wabash Railroad Company.

4141. Delay in transit to mail crane shipped via the Canadian Pacific railway from Montreal, Que., to Hill Bank station, B.C., on the Esquimalt and Nanaimo Railway.

5 GEORGE V., A. 1915

4142. Alleged refusal of the Canadian Pacific Railway Company to construct a spur to brick plant at Dryden, Ont.

4143. Alleged excessive express rates charged on shipments of cream from Ituna, Sask., to Winnipeg, Man., by the Canadian Express Company.

4144. Inability to obtain settlement of claim against the Canadian Northern Railway Company for hay damaged by fire starting from engines.

4145. Delay of the Canadian Northern Railway Company in settling for property expropriated for right of way purposes in the northeast quarter of section 36, township 33, range 1, west of the second meridian.

4146. The Canadian Northern Railway Company not providing a highway crossing where the Delisle branch crosses road allowance east of the northeast quarter of section 14, township 28, range 9, west of the third meridian.

4147. Delay of the Canadian Northern Railway in settling for right of way purchased in the south half of section 23, township 39, range 3, west of the fifth meridian.

4148. Freight rate charged by the Canadian Pacific Railway Company on carloads of eggs shipped from Minot, N.D., and Minneapolis, to Vancouver, B.C.

4149. Excessive whistling of the Grand Trunk Railway Company's engines in the town of Canfield, Ont.

4150. Delay of the Dominion Express Company in delivering butter shipments in the city of Montreal, Que.

4151. Unsatisfactory condition of the Canadian Pacific Railway Company's drain and bridge at Cabane Ronde, Que.

4152. The careless handling of freight consigned to Hillbank flag station, B.C., on the Esquimalt and Nanaimo railway.

4153. The Canadian Pacific Railway Company's proposed tunnel North of Greenwood, B.C.

4154. The Grand Trunk Railway Company running passenger trains without proper lights in the coaches.

4155. Alleged excessive freight charges on a shipment of household goods shipped via Canadian Pacific Railway Company from Red Deer, Alta., to Kansas, U.S.A.

4156. The Canadian Pacific Railway Company withdrawing suitable elevator site from Ernfold, Sask.

4157. Difficulty and delay in obtaining Canadian Pacific Railway Company's cars on Grand Trunk Railway Company's sidings in Ottawa, Ont.

4158. Delay in transit to a car shipped from Syracuse, U.S.A., to Guelph, Ont., over the Canadian Pacific Railway via the International bridge.

4159. Lack of fencing on the Canadian Northern railway in the southeast quarter of section 18, township 18, range 20, west of the first meridian.

4160. Refusal of the Great Northern Railway Company to grant a flag stop at Mile 186 between Mountain and Apex stations, B.C.

4161. Alleged excessive freight rates charged on granite handled from Stanstead Junction and Graniteville, Que., to Hamilton, Ont., by the Canadian Pacific Railway Company.

4162. Refusal of the Wabash Railroad Company to give an explanation for violating Canadian Car Service Rule No. 19.

4163. The Bell Telephone Company compelling client to pay for unexpired time of contract although he had no further use for telephone.

4164. Alleged exorbitant charges of the express companies in Canada on printed matter.

4165. Alleged exorbitant charges of the express companies in Canada on paper and printers' supplies.

4166. The Canadian Pacific Railway Company using private property in the northwest quarter of section 2, township 33, range 19, west of the third meridian for right of way for a spur track without consent or reimbursing the owner.



## SESSIONAL PAPER No. 20c

4167. The Canadian Pacific Railway Company not permitting transfer agents to solicit business at station platform or hotel at Field, B.C.

4168. Damage to household goods in transit over the Canadian Pacific railway from Creston, B.C., to Canfield Junction, Ont.

4169. Refusal of the Canadian Northern Railway Company to entertain claim for cow killed on right of way due to lack of fencing near Kelwood, Man.

4170. Lack of station facilities at Prairie siding, Ont., on the Grand Trunk railway.

4171. Lack of fencing on the Grand Trunk Pacific railway at North Cooking Lake, Alta.

4172. Unsatisfactory condition of loading platform on the National Transcontinental railway (G.T.P.Ry.) at Nineteen-mile siding.

4173. Unsatisfactory accommodation provided by the Canadian Pacific Railway Company at Oakbank station, Man.

4174. Unsatisfactory station accommodation provided by the Canadian Pacific Railway Company at Hazelridge, Man.

4175. Canadian Pacific Railway Company's employees being required to shunt cars on New York and Ottawa Railway Company's sidings at Ottawa, Ont., without proper protection.

4176. The Esquimault and Nanaimo Railway Company for abolishing the "ticket system" in connection with buttermilk shipments between Duncan, B.C., and Victoria, B.C.

4177. The unfinished condition of the Grand Trunk Pacific Railway Company's fencing on the northeast quarter of section 18, township 14, range 18, west of the second meridian.

4178. The Canadian Northern Railway Company for failing to provide a crossing over their railway at road allowance near Craik, Sask.

4179. Lack of baggagemen on the Canadian Northern Railway Company's passenger trains operating between Montreal and Quebec, Que.

4180. Refusal of the Canadian Northern Express Company to settle claim for butter lost in transit.

4181. Unsatisfactory condition of fencing along the right of way of the Kingston and Pembroke Railway near Flower Station, Ont.

4182. Increased rate embodied in Transcontinental Freight Bureau Tariff 5 G, Canadian Railway Commission No. 319.

4183. Delay of the Bell Telephone Company in installing a telephone for a firm in Montreal, Que.

4184. Dangerous condition of highway crossing over the Canadian Pacific Railway at lot 8, West Zorra, near Embro, Ont.

4185. Dangerous condition of highway crossing over the Canadian Pacific Railway at lot 10, West Zorra, near Embro, Ont.

4186. Dangerous condition of highway crossings over the Canadian Pacific Railway at Embro, Ont.

4187. The Canadian Pacific Railway Company removing centre plank at highway crossings over their railway near Chesterville, Ont.

4188. Car shortage on the Canadian Pacific Railway Company's Estevan-Forward branch, at Outran station, Sask.

4189. Delay in transit to shipment of stone from Montreal to Adamsville, Que., over the Canadian Pacific Railway.

4190. Delay of the Grand Trunk Pacific Railway Company in granting deed for property purchased from them at Edgerton, Alta.

4191. Refusal of the Dominion Express Company to settle for furs lost in transit between River Valley, Ont., and Montreal, Que.

4192. Lack of proper fencing and cattle guards on the Melfort-Humboldt line of the Canadian Northern Railway.



4193. The Canadian Pacific Railway Company not filing plans or making any settlement for right of way required by their Kerrobert branch in "Buena Vista" subdivision near Kerrobert, Sask.

4194. The Canadian Northern Railway Company advancing cartage charges on outward shipments at Winnipeg, Man., and collecting same from consignee at destination.

4195. Refusal of the Temiscouata Railway Company to reimburse owner for cow killed on their right of way due to lack of proper fences near St. Honore, Que.

4196. Delay of the Grand Trunk Railway Company in settling claim for goods lost in transit between Berlin, Ont., and Annapolis, N.S.

4197. The practice of cattle owners in the township of Gloucester in allowing cattle to roam at large on railway tracks in the vicinity of Ottawa, Ont.

4198. Inadequate shelter of the Great Northern Railway Company's shed at Columbia Gardens, B.C.

4199. The present method of constructing heavy voltage wire crossing over railway lines.

4200. Refusal of the Canadian Pacific Railway Company to build a fence along their right of way near North Bend, B.C.

4201. Lack of proper drainage at Hammonds Crossing, in the township of Chatham, Que., on the Canadian Northern Railway.

4202. Refusal of the Grand Trunk Railway Company to settle claim on account of the delay in transit to a car of potatoes shipped from Toronto, Ont., to Cobalt, Ont.

4203. Alleged discrimination on the part of the Canadian Pacific Railway Company in the matter of freight rates on shipments from Forward, Sask.

4204. Refusal of the Canadian Northern Railway Company to settle claim for cow killed on their right of way near Badger, Man.

4205. Lack of facilities for loading and unloading cars at Ernfold, Sask., on the Canadian Pacific Railway.

4206. The Grand Trunk Railway Company's trains blocking highway crossing at Brighton station, Ont.

4207. Unsatisfactory location of proposed station at Case Settlement, N.B., on the Central Railway.

4208. Alleged excessive demurrage charges assessed on shipments of grain from Fort William to Port Arthur, Ont., on the Canadian Northern Railway.

4209. Unsatisfactory condition of Canadian Pacific Railway Company's stock-yards and stock-pens at Carleton Place, Ont.

4210. The Quebec Oriental Railway Company not keeping their right of way fences in repair near Carleton, Que.

4211. Unsatisfactory condition of fences along the Grand Trunk Pacific Railway in the northeast quarter of section 1, township 17, range 27, west of the second meridian.

4212. Delay in transit to shipments of goods from East Aylmer, Que., to Kilworthy, Ont., over the Grand Trunk and Canadian Pacific Railways.

4213. The Canadian Northern Railway Company removing telephone and telegraph service from Hearne, Sask.

4214. The unsatisfactory manner of handling fish shipments between Port Alberni and Vancouver, B.C., by the Dominion Express Company.

4215. The Grand Trunk Railway Company using fog signals and torpedoes within the city limits of Brantford, Ont.

4216. Any change in location of station on the Grand Trunk Pacific Railway at Hualta, Alta.

4217. Uncompleted condition of road allowance on the Canadian Pacific Railway

## SESSIONAL PAPER No. 20c

Company's Weyburn-Lethbridge Branch in sections 8 and 17, township 8, range 17, west of the second meridian.

4218. Alleged excessive freight rates charged on lumber from the United States to Midland, Ont., over the Grand Trunk Railway.

4219. Freight classification on carload lots of mixed plumbing supplies between Amherst, N.S., and Port Arthur, Ont.

4220. Refusal of the Grand Trunk Pacific Railway Company's agent at Waldron, Sask., to have freight unloaded at freight shed instead of leaving it loaded in car on the siding at that point.

4221. The Dominion Express Company, charging an extra amount for icing shipments of fish.

4222. Lack of culverts at public and private crossings on the Oak Point branch of the Canadian Northern Railway Company.

4223. The Père Marquette Railroad Company closing station at Ruthven, Ont.

4224. Alleged discourteous treatment received at the hands of the Canadian Northern Railway Company's agent at Ruddell, Sask.

4225. Unsatisfactory handling of fruit shipments from Forest, Ont., by the Grand Trunk Railway Company.

4226. Refusal of the American Express Company to accept consignment of fish at Port Stanley, Ont., owing to lack of car accommodation for same.

4227. Alleged excessive freight rate charged on a shipment of tobacco handled from Quebec, Que., to Grand Pabos, Que., by the Atlantic, Quebec and Western Railway Company.

4228. Improper loading of a car of explosives by employees of the Halifax and Southwestern Railway Company.

4229. Refusal of the Canadian Northern Ontario Railway Company to construct a farm crossing near Dorion, Ont.

4230. Refusal of the Canadian Northern Railway Company to furnish deed for property purchased at lot 6, block 4, Brooking townsite, Sask.

4231. Alleged unjust demurrage charged by the Canadian Pacific Railway Company on two cars of coal held in Vanguard, Sask., without consignees being advised of their arrival.

4232. Alleged overcharge on a shipment of settlers' effects shipped from Carstairs, Alta., to Alsask, Sask., via the Canadian Pacific and Canadian Northern Railways.

4233. Alleged overcharge on a car of oranges shipped from Montreal, Que., to Hamilton, Ont.

4234. Delay of the Grand Trunk Railway Company in handling consignment of household goods shipped from Oil City, Pa., to Toronto, Ont.

4235. Refusal of the Canadian Pacific Railway Company to settle claims for horses killed on account of cattle guards being removed near Dewdney, B.C.

4236. The bulletin issued by the Grand Trunk Railway Company with regard to yard limit boards at Algonquin Park, Ont.

4237. The proposed removal of the Canadian Pacific Railway Company's Kirkella to McAuley branch when their Virden to McAuley branch is completed.

4238. The Canadian Pacific Railway Company making switching charges when cars are diverted to "Hospital" elevators at Port Arthur, Ont., and Fort William, Ont.

4239. Alleged excessive express rate charged by the Canadian Express Company on a shipment handled between Ottawa, Ont., and Scarborough Junction, Ont.

4240. The American Express Company demanding an extra charge for delivering shipments of milk from station to consignee in Welland, Ont.

4241. The Canadian Pacific Railway Company proposed abandonment of present right of way through the town of Walhachin, B.C.

4242. Alleged dangerous crossing over the Grand Trunk Railway Company's tracks at the first highway east of Clarkson station, Ont.

4243. Refusal of the Bay of Quinte Railway Company to settle claim in full for cow killed on their right of way in the township of Camden, Ont., on account of lack of fencing.

4244. Lack of fencing along the Canadian Northern Railway Company's right of way in the Rural Municipality of Hillsburg, Man., and in the Riding Mountain Forest Reserve.

4245. Alleged excessive rates charged by the Grand Trunk Railway Company on shipments of milk handled from Carp to Ottawa, Ont.

4246. Lack of fencing on the Canadian Pacific Railway Company's right of way in section 21, township 9, range 24, west of the first meridian.

4247. Grand Trunk Railway Company's official opening a box of liquor addressed to the wife of an employee of that company.

4248. The unsafe condition of the Canadian Pacific Railway Company's right of way on their Pontiac division in the vicinity of Fort Coulonge, Que.

4249. Unsatisfactory operation of trains on the Spokane and British Columbia Railroad.

4250. Unsatisfactory drainage provided by the Canadian Pacific Railway Company in lots 27 and 28, concession 14, township of Hullett, Ont.

4251. Refusal of the Bell Telephone Company to allow members of an association to use the telephone installed on the premises of the association for business purposes unless they have a business telephone elsewhere and are paying a business rate for same.

4252. Alleged excessive freight rate charged on a shipment of household goods handled by the Canadian Pacific Railway Company from Sumas, B.C., to Airdrie, Alta.

4253. Unsatisfactory grading and drainage on the Canadian Pacific Railway Company's right of way in the township of Hope, Ont.

4254. Unsatisfactory express service provided by the Canadian Express Company at Bracebridge, Ont.

4255. Lack of fencing on the Canadian Northern Railway between Shevlin, Man., and Shortdale, Man.

4256. The Grand Trunk Railway Company laying tracks on Railway street, Paris, Ont.

4257. Delay in transit to a shipment of household goods handled by the Canadian Pacific Railway Company from Hunters River, P.E.I., to Vandura, Sask.

4258. Alleged excessive express rates charged by the Canadian Express Company on shipments handled between Delhi, Ont., and points west of North Bay, Ont.

4259. Lack of fencing on the Quebec Oriental Railway near Bonaventure, Que.

4260. The Canadian Pacific Railway Company withdrawing station agent from station at Bittern Lake, Alta.

4261. Unsatisfactory condition of fencing and cattle protection on the Canadian Pacific Railway near Exshaw, Alta.

4262. The Canadian Northern Railway Company proposed construction of their line of railway parallel with the Canadian Pacific Railway at a point in the western provinces.

4263. Refusal of the Canadian Pacific Railway Company to sell second-class tickets to students returning from the West.

4264. Delay of the Canadian Pacific Railway Company in settling claims.

4265. Advance in rates on sand and gravel as shown in Supplement No. 18 to Canadian Pacific Railway Company's tariff C.R.C. No. W. 1820.

4266. Excessive rates charged harvesters returning from the West as compared with the rates charged when going to the West when travelling on "harvesters' excursions."



## SESSIONAL PAPER No. 20c

4267. Delay of the Grand Trunk Railway Company in handling stock shipments delivered at London, Ont., by the Michigan Central and Père Marquette Railroads.

4268. Refusal of the Canadian Pacific Railway Company to provide farm crossing on the southwest quarter of section 24, township 23, range 6, west of the sixth meridian.

4269. The Canadian Pacific Railway Company encroaching on private property in lot 12, concession 3, township of Neelon, and lots 1, 2, and 3, concession 3, township of McKim, Ont.

4270. Fire damage to fences and pastures on the Central Ontario Railway caused by sparks from engines.

4271. Fire damage to property on the Grand Trunk Railway near Muskoka Falls, Ont., caused by sparks from engines.

4272. Refusal of the Canadian Pacific Railway Company to settle claim for cow killed at Rutter, Ont., due to lack of fencing.

4273. Alleged excessive freight rates charged on grain shipments handled from Bromhead, Sask., to Estevan, Sask., by the Canadian Pacific Railway Company.

4274. The Canadian Pacific Railway Company's charges for cartage in Winnipeg, Man.

4275. Alleged excessive freight rate charged by the Canadian Pacific and Grand Trunk Railway Companies on shipments of sand and gravel from Caldwell, Ont., to Toronto, Ont.

4276. Delay of the Windsor, Essex, and Lake Shore Railway in erecting shelter at North Ridge Road crossing in the township of North Gosfield, Ont.

4277. Lack of drainage along the right of way of the Canadian Pacific Railway Company at Portneuf, Que.

4278. Lack of crossing over the Grand Trunk Pacific Railway near Dorreon Station, B.C.

4279. The Canadian Express Company's proposed increase in express rates on bullion from St. Catharines, Ont., to London, Ont.

4280. Alleged unjust dismissal of Grand Trunk Railway Company's employee in yard service at Toronto, Ont.

4281. Removal of a highway crossing by the Canadian Northern Railway Company near Bryant, Sask.

4282. Removal of a highway crossing over the Canadian Pacific Railway Company's tracks at Glenboro yards, Man.

4283. Unsatisfactory train connections at Yarker, Ont., by the Bay of Quinte and Canadian Northern Railways.

4284. Unsatisfactory accommodation and conveniences provided by the Canadian Pacific Railway Company at Blue Sea Lake, Que.

4285. Refusal of the Bell Telephone Company to transmit a telephone message from Elmvale to Midland, Ont., because a municipal line was used to get the message to Elmvale, Ont.

4286. Lack of grain doors for cars at Vanguard, Sask., on the Canadian Pacific Railway.

4287. Unfinished condition of fencing on the Spokane Falls and Northern Railway near Grand Forks, B.C.

4288. Alleged discrimination against Moosejaw, Sask., in the matter of freight rates on coal from Estevan, Sask., over the Canadian Pacific Railway.

4289. Routing given to a shipment of goods shipped from Georgetown, Ont., to New Westminster, B.C.

4290. Lack of station agent and sufficient accommodation at Dummer Station, Sask., on the Canadian Northern Railway.

4291. Alleged excessive charges on a shipment of clothing from Provost, Alta., to Toronto, Ont., handled by the Canadian Pacific Railway Company.



4292. Alleged excessive express rate charged by the Canadian Express Company on a parcel shipped from Alton, Ont., to Georgetown, Ont.

4293. Refusal of the Canadian Pacific Railway Company to construct siding and loading platform at McAuley, Man.

4294. Alleged excessive freight rate charged by the Boston and Maine Railroad on shipments of brick from Sherbrooke, Que., to Ayer's Cliff, Que.

4295. Alleged shortage in shipments of coal received at Vanguard, Sask., from the Canadian Pacific Railway Company.

4296. Sleeping car accommodation on the Michigan Central Railroad out of St. Thomas, Ont.

4297. Failure of the Canadian Pacific Railway Company to complete their portion of the Helm Award drain in lot 25, concession 6, township of Ops, Ont.

4298. The Canadian Pacific Railway Company's ploughing of fire guards at Cowley, Alta.

4299. Damage to fruit in transit between Winona, Ont., and Mumford's Station, Ont., on the Irondale, Bancroft and Ottawa Railway.

4300. The Canadian Pacific Railway Company's crews not placing cars at desired point on siding at Crandall, Man.

4301. Refusal of the Bell Telephone Company to give telephone service until party has paid proportion of telephone line construction over and above telephone service charges at North Toronto, Ont.

4302. Express classification of coffins and caskets.

4303. Dangerous crossing over the Canadian Pacific Railway at Cooksville, Ont.

4304. The Campbellford, Lake Ontario and Western Railway Company's expropriation of land for gravel pit in lot 5, concession 1, township of Murray, Ont.

4305. The Grand Trunk Railway Company raising tracks on Norfolk street, Simcoe, Ont.

4306. Lack of station agent at Clover Bar, Alta., on the Grand Trunk Pacific Railway.

4307. Refusal of the Canadian Pacific Railway Company to accept a shipment of wood from the Canadian Northern Railway Company consigned from St. Julienne, Que., to Mile End yard, Montreal, Que.

4308. The Lake Erie and Northern Railway proceeding with construction work and alterations in the city of Brantford, Ont., without filing any plans for approval of said city of Brantford, Ont.

4309. Refusal of the Canadian Northern Railway Company to settle for right of way through the northeast quarter of section 19, township 27, range 11, west of the third meridian.

4310. Smoke and noise from Canadian Pacific Railway Company's trains shunting on St. Patrick street siding, Montreal, Que.

4311. Delay in the transportation of goods from New York, N.Y., to Bristol, N.B.

4312. Unsatisfactory telephone service at Newtonville, Ont.

4313. Lack of fences on the Canadian Northern Railway at Gainford, Alta.

4314. Fire damage to private property and lack of proper fire guards on the Canadian Northern Railway at Benton, Alta.

4315. Weeds on the right of way of the Canadian Pacific Railway Company near Crookston, Ont.

4316. The Kootenay Central Railway Company not making settlement with ranchers and settlers for the right of way expropriated through their properties.

4317. Demurrage assessed by the Temiskaming and Northern Ontario Railway Company on a car delivered at South Porcupine, Ont., which could not be placed at private siding on account of flood conditions.

4318. Alleged excessive rate charged on a shipment from London, England, to Toronto, Ont., by rail from Montreal, Que., to Toronto, Ont.

## SESSIONAL PAPER No. 20c

4319. Refusal of the Grand Trunk Railway Company to settle a claim for loss on account of delay in transit of stock from Port Rowan, Ont., to Hamilton, Ont.

4320. Refusal of the Bell Telephone Company to place a telephone in residence in lot 4, concession 2, township of Colchester, Ont.

4321. The Canadian Pacific Railway Company removing spur at Matlock flag station, Man.

4322. Delay in obtaining refund from the Canadian Pacific Railway Company.

4323. Bangor and Aroostook Railway Tariff Canadian Railway Commission No. 115, effective September 16, 1913.

4324. Unsatisfactory construction of fire-guards by the Canadian Pacific Railway Company on the south half of section 26, township 4, range 24, west of the fourth meridian.

4325. Inability of the Grand Trunk Railway to collect freight charges on desk shipped from Ottawa, Ont., to Longueuil, Que.

4326. Inability to have the Dominion Express Company deliver a parcel to Aldergrove, B.C., instead of Abbotsford, B.C.

4327. Refusal of the Grand Trunk Railway Company to recognize claims for alleged overweight on a number of cars shipped from Dalkeith, Ont., to points in Nova Scotia.

4328. The Canadian Northern Railway Company's construction trains making no provision for fire-guarding through the rural municipality of Cereal, Alta.

4329. Delay of the Canadian Pacific Railway Company in handling baggage checked at Toronto, Ont., and consigned to Carleton Place, Ont.

4330. The Canadian Northern Quebec Railway Company's agent not being on hand to sell tickets for train and failure of brakemen to call the names of station in French as well as English.

4331. Increase in freight rate on crushed stone on the Canadian Pacific Railway between points in the vicinity of Montreal, Que.

4332. The Canadian Pacific Railway Company holding up construction work on the Toronto, Ont., to Guelph Junction line until complainants agree to bear the expense of swinging out of line at their property.

4333. Proposed increase in freight rate on pulpwood from stations on the Temiscouata railway to points in New York state and points reached by the Intercolonial Railway Company.

4334. The Canadian Pacific Railway Company not constructing highway crossing over their railway at road allowance between sections 21 and 22, township 9, range 9, west of the second meridian.

4335. The Canadian Pacific Railway Company's proposed expropriation of portion of private property at North Bend, B.C.

4336. Alleged excessive freight rate charged on a shipment of eggs from Sioux City, U.S.A., to Lethbridge, Alta., handled in Canada by the Canadian Pacific Railway Company.

4337. Inability of complainant to get a settlement from the Hudson Bay Railway for land expropriated on lot 13, block 36, at LePas, Man.

4338. Loss sustained by property owner on account of the Canadian Northern Railway Company removing fences on the south half of section 25, township 38, range 2, west of the fifth meridian.

4339. Refusal of the Canadian Pacific Railway Company to furnish empty cars to move stock from one point to another in the local yards at Vancouver, B.C.

4340. Alleged excessive freight rate charged by the Grand Trunk Railway Company on shipments of lumber handled from Lakefield, Ont., to Hastings, Ont.

4341. Refusal of the Canadian Pacific Railway Company to permit an electric wire crossing over their track when single pole supports are used.

4342. Station conditions on the Canadian Pacific railway at Hayter, Alta.
4343. Unsatisfactory train service on the Grand Trunk railway between London, Ont., and Appin, Ont.
4344. Pool of stagnant water accumulating on the right of way of the Canadian Pacific Railway Company at Mile 64, west of Cranbrook, Alberta Division.
4345. The Canadian Pacific Railway Company failing to complete road to Wynn-del, station, B.C.
4346. Delay in transit to corn cutter shipped over the Canadian Pacific railway from Toronto, Ont., to Indian River, Ont.
4347. The Canadian Northern Railway Company failing to provide farm crossing at lot 21, concession 2, township of Pontiac, Que.
4348. Refusal of the Bell Telephone Company to install a residence telephone in a house some distance from any pole line without making an additional charge for the construction of the line to residence.
4349. Uncompleted condition of grading at crossing between section 36, township 57, range 27, and section 31, township 57, range 26, west of the fourth meridian, on the Edmonton, Dunvegan and British Columbia railway.
4350. Uncompleted condition of grading at farm crossing over the Edmonton, Dunvegan, and British Columbia railway in the northeast quarter of section 36, township 57, range 27, west of the fourth meridian.
4351. The Canadian Pacific Railway Company assessing an extra switching charge Strathcona to Edmonton, Alta., on traffic consigned to points in British Columbia.
4352. Proposed abrogation of tariff rate on pyrites from Queensboro, Ont., on the Bay of Quinte railway, to Buffalo, U.S.A.
4353. Condition of Sydenham River bridge, near Wallaceburg, Ont., on the Père Marquette railroad.
4354. The Canadian Pacific Railway Company diverting creek in lot 5, concession 1, township of Sidney, Ontario, thereby depriving complainant of facilities for watering his stock.
4355. Unsatisfactory mail service provided by the Canadian Northern Railway Company to handle mail for points east of Picton, Ont.
4356. Delay in transit to a shipment of brass from Waterbury, Vt., to Westport, Ont., via the Central Vermont and Grand Trunk railways.
4357. Alleged excessive express rates charged by the Canadian Northern Express Company and unsatisfactory express connections between the Canadian Northern and Canadian Express Companies.
4358. Alleged excessive freight rates charged by the Canadian Northern Railway Company between Trenton, Ont., and Picton, Ont.
4359. Unsatisfactory passenger train connections at Trenton, Ont., between the Canadian Northern railway trains and the Grand Trunk Railway Company's east-bound trains.
4360. The Grand Trunk Railway Company failing to give notice of a wreck on their line between Ottawa, Ont., and Montreal, Que., so that passengers travelling between these two points might have arranged to go by an alternate route instead of being held up at Moose Creek, Ont.
4361. The Atlantic, Quebec and Western Railway Company refusing to handle a shipment of fish on account of freight train being off the track.
4362. Failure of the Canadian Pacific Railway Company to provide proper drainage or install cattle pass on complainant's property at Kenilworth, Ont.
4363. Drainage conditions on the Grand Trunk Railway at lot 23, concession 2, township of Rawdon, Ont.
4364. Unsatisfactory treatment received by passengers when accident occurred at St. Annes, Ont., on the Toronto, Hamilton and Buffalo Railway.



## SESSIONAL PAPER No. 20c

4365. Unsatisfactory handling of a shipment of fresh fish from Vancouver, B.C., to Toronto, Ont., and Montreal, Que., via the Canadian Pacific Railway. Refusal of the Canadian Pacific Railway Company to switch any more cars for the complainant.

4366. Refusal of the Canadian Pacific Railway Company to entertain claim for cow killed on their track near Wylie, Ont., claiming they are exempt from fencing that portion of their line.

4367. Lack of fencing on the Canadian Northern Railway near Vassar, Man., in the southeast quarter of section 27, township 2, range 12, west of the first meridian.

4368. Unsatisfactory freight service furnished by the Grand Trunk Railway Company at Sarnia, Ont.

4369. The Grand Trunk Railway Company removing centre plank from farm crossing on lot 20, concession 4, township of Pittsburg, Ont.

4370. The Campbellford, Lake Ontario and Western Railway Company's engines whistling and ringing bells on Sunday in Bowmanville, Ont.

4371. Lack of long distance telephone connection with the township of Hope, Ontario.

4372. Order issued by the Quebec and Oriental Railway Company with regard to height restriction in loading cars with lumber.

4373. Lack of facilities for loading stock or grain at Eldred, Sask., on the Canadian Northern Railway, and no crossing provided at the station.

4374. Cattle being killed by the Canadian Northern Railway trains on the south-east quarter of section 2, township 36, range 19, west of the fourth meridian, and that fire-guards are being grown over with weeds in that district.

4375. The Canadian Pacific and Grand Trunk Railway Companies cancelling arrangement in connection with the completion of carload shipments of grain in transit.

4376. Unsatisfactory treatment received at the hands of the Bell Telephone Company in the vicinity of Mountain, Ont.

4377. Alleged excessive charges assessed by the Canadian Express Company on a parcel shipped from Montreal, Que., to St. Lambert, Que.

4378. Unsatisfactory condition of planking at road crossings over the Canadian Pacific railway between Regina, Sask., and Moosejaw, Sask.

4379. Alleged excessive storage charged on an engineer's tripod left in the Canadian Pacific Railway Company's baggage room at Ottawa, Ont.

4380. Neglected condition of right of way, fences, gates, and crossings of the Quebec Oriental Railway Company in the municipality of Maria, Que.

4381. Condition of crossings over the Grand Trunk Pacific railway between Wabamun and Fallis, Alta.

4382. Lack of proper fencing on the right of way of the Canadian Northern Railway Company in the vicinity of Bowman River, Man.

4383. The Canadian Pacific Railway Company not making satisfactory settlement for right of way expropriated in the west half of section 34, township 34, range 19, west of the third meridian.

4384. The Vancouver, Victoria and Eastern Railway Company for not having any agent at Midway, B.C.

4385. Alleged excessive telephone rate charged by the British Columbia Telephone Company for service at Beaumont, B.C.

4386. Car shortage at Loughheed, Alta., on the Canadian Pacific railway.

4387. Car shortage at Ruddell, Sask., on the Canadian Northern Railway.

4388. Proposed change of the Canadian Northern Railway Company's terminal from North Battleford, Sask., to Humboldt, Sask., or Saskatoon, Sask.

4389. Refusal of the railway companies running out of Victoria, B.C., to accept a mixed carload of flour, feed, baled hay, and straw.



4390. The minimum on carload shipments of potatoes in the province of Ontario as compared with the province of New Brunswick.

4391. Unsatisfactory manner in which the Grand Trunk Railway Company handle overcharge claims at Detroit, Mich.

4392. Delay of the Canadian Pacific Railway Company in settling claim for rebate on freight charges covering a shipment of lumber handled between Portland, Ore., and Walsh, Alta.

4393. Alleged excessive storage charges placed on an engineer's tripod left in baggage room of the Canadian Pacific Railway Company at Ottawa, Ont.

4394. The Canadian Pacific Railway Company erecting snow fences on private property at Reaboro, Ont.

4395. Unsatisfactory delivery of the Canadian Express Company in the city of Montreal, Que.

4396. Delay of the Grand Trunk Railway Company in paying salary of mail carrier between Winona station, Ont., and Winona post office.

4397. Refusal of the Canadian Pacific Railway Company's agent at Seattle, Wash., to reserve accommodation for travellers requiring berths for one-night rides in the West.

4398. Lack of cattle-guards on the right of way of the Canadian Pacific Railway Company in the vicinity of Camrose, Alta.

4399. Refusal of the Canadian Pacific Railway Company to make refund for money spent furnishing grain doors for cars at Wilcox, Sask.

4400. Refusal of the Canadian Northern Railway Company to entertain claim for cow killed on account of right of way not being fenced in the vicinity of Engelfeld, Sask.

4401. Damage to private property on account of the Canadian Pacific Railway Company constructing double track through lot 6, concession 2, township of Nassagaweya, Ontario, and on account of lack of drainage at that point.

4402. Refusal of the Grand Trunk Pacific Railway Company to release trunk handled between Winnipeg, Man., and Saskatoon, Sask., unless complainant paid extra charges on same which accrued owing to the trunk containing honey along with wearing apparel.

4403. Alleged excessive freight rate charged by the Grand Trunk Railway Company on a shipment of manure handled between Toronto, Ont., and Walsh, Ont.

4404. The Campbellford, Lake Ontario and Western Railway Company constructing their line of railway through lot 25, concession 8, township of Camden, Ont., without giving complainant access to water.

4405. Alleged excessive rate charged on the shipment of horses via the Grand Trunk and Canadian Pacific Railways from Ottawa, Ont., to Westmount, Que.

4406. Delay of the Canadian Pacific Railway Company in constructing a second water stand pipe at Arnprior, Ont.

4407. The Canadian Pacific Railway Company's bridge over the north branch of the Clyde river, Ontario, being too low to allow the passing of a log drive.

4408. The Gananoque Electric Light Company stringing power wires over the tracks of the Thousand Islands Railway Company at Victoria avenue, Gananoque, Ont.

4409. Unsatisfactory cattle-guards provided on the right of way of the Canadian Northern Railway Company near Onoway, Alta.

4410. Dangerous crossing over the Grand Trunk Railway, 1 mile north of Elmvale, Ont.

4411. The uncompleted condition of Leeds siding at Tapley's Mills, N.B., on the Canadian Pacific Railway.

4412. Unsatisfactory treatment received from the Canadian Northern Railway Company in connection with cattle pass and right of way expropriated in the west half of section 9, township 16, range 26, west of the second meridian.

## SESSIONAL PAPER No. 20c

4413. Unsatisfactory method of handling milk and cream shipments on the Grand Trunk and Canadian Pacific Railways into Montreal, Que.

4414. Inability of complainant to obtain any compensation from the Canadian Pacific Railway Company on account of certain objectionable constructions in the neighbourhood of his property at Ingersoll, Ont.

4415. Unsatisfactory condition of the Campbellford, Lake Ontario and Western Railway Company's crossing at lot 34, township of Sidney, Ontario.

4416. Dangerous level crossing over the Canadian Northern Quebec Railway at Bennett street, Maisonneuve, Que.

4417. Refusal of the Quebec Oriental Railway Company to make any delivery of freight until complainant withdrew claims for goods lost in transit.

4418. Failure of the Canadian Northern Railway Company to fulfil promises that siding and loading platform would be constructed at a point between Sibbald, Alta., and Benton, Alta.

4419. Refusal of the Grand Trunk Railway Company to entertain claim for shipment of hardware lost in transit between London, Ont., and Dobbington flag station, Ont.

4420. Lack of drainage facilities on the right of way of the Campbellford, Lake Ontario and Western Railway at lots 23 and 24, concession 1, township of Sidney, Ont.

4421. Dangerous level crossing of the Georgian Bay and Seaboard Railway in the north half of lot 2, concession 8, township of Eldon, Ont.

4422. Shortage of cars for handling grain on the Canadian Northern Railway at Kindersley, Sask.

4423. Alleged excessive berth rate charged by the Canadian Pacific Railway Company between Vancouver, B.C., and Sicamous, B.C.

4424. The Quebec, Montreal and Southern Railway Company increasing the minimum weight on carload lumber and also increasing the freight rate per car.

4425. Refusal of the Canadian Northern Railway Company to compensate employee injured while manipulating defective appliance.

4426. Car shortage on the Grand Trunk Pacific Railway at Estlin, Sask.

4427. Delay in transit to shipment of shingles handled by the Grand Trunk Railway Company from Chicago, Ill., to Hespeler, Ont.

4428. Inability to obtain compensation from the Canadian Northern Railway Company for hay burnt in fire starting from spark from steam shovel.

4429. Lack of accommodation for freight at Alcona, Ont., on the Grand Trunk Pacific Railway.

4430. The regulations of the Canadian Pacific Railway Company with regard to the shipment of sheep in Alberta.

4431. The issuance of proposed Boston and Maine Railroad Tariff No. 1457.

4432. Unsatisfactory drainage provided by the Canadian Pacific Railway Company where they are filling in grades in the vicinity of Regina, Sask.

4433. Alleged excessive charges levied by the Intercolonial Railway for the reloading of lumber on a larger car while in transit from River John, N.S., to Trenton, N.S.

4434. Unsatisfactory delivery limits of the Dominion Express Company at Calgary, Alta.

4435. Dangerous level crossing of the Grand Trunk Pacific Railway at Amelia street, Fort Rouge, Man.

4436. Refusal of the Grand Trunk Pacific Railway Company to plank complainant's farm crossing on the northwest quarter of section 17, township 43, range 2, west of the fourth meridian.

4437. Alleged proposed increase in freight rate on anthracite and bituminous coal.

4438. Refusal of the Canadian Express Company to reimburse shipper for loss of peacock which died in transit en route from Strathroy, Ont., to Standard, Alta.

4439. Refusal of the Northern Pacific Railway Company to furnish return fare from Toronto, Ont., to Winnipeg, Man., on presentation of certificate that complainant was attending the Canadian Pharmaceutical Convention.

4440. The Grand Trunk Railway Company insisting on a locomotive engineer running a light engine for a shorter distance than 25 miles without a pilot.

4441. The Canadian Pacific Railway Company charging \$45 in advance on shipments of grain over their Weyburn-Lethbridge branch.

4442. Car shortage at Canterbury, N.B., on the Canadian Pacific Railway.

4443. Increase in the minimum carload weights on hay shipments to the United States.

4444. The Canadian Pacific Railway Company taking up tracks of the Fort William Street Railway where they intersect at Sixth street, Fort William, Ont.

4445. Blocking of King street, Berlin, Ont., by shunting operations of the Grand Trunk Railway Company.

4446. Alleged excessive freight rate charged by the Canadian Pacific Railway Company on a shipment of household goods shipped from Cowley, Alta., to Elora, Ont.

4447. Proposed increase in freight rates on turnips and potatoes in Ontario.

4448. Demurrage charges assessed by the Grand Trunk Railway Company on cars which could not be placed on the siding in Stratford, Ont., where they were wanted owing to the railway company putting the siding out of use temporarily.

4449. Alleged excessive freight rates on live stock from points in Alberta to the east and west, as compared with rates charged on American railroads covering the same distances.

4450. Delay in transit to a shipment of goods handled by the Grand Trunk Railway Company from Hamilton, Ont., to Welland, Ont.

4451. Alleged excessive charges collected by the Dominion Express Company on a parcel shipped from Winnipeg, Man., to Castlegar Junction, B.C.

4452. Failure of the Canadian Northern Railway Company to keep promises with regard to immediate payment for right of way and to pay for supplies furnished to surveyors on their Goose Lake branch.

4453. Refusal of the Atlantic, Quebec and Western Railway Company to furnish farm crossing in the vicinity of Grande Rivière, Que.

4454. Failure of the Canadian Northern Railway Company to build adequate fences along their Goose Lake branch.

4455. Car shortage at Hyas, Sask., on the Canadian Northern Railway.

4456. Refusal of the Quebec Oriental Railway Company to open highway across their tracks between lots 6 and 7, leading to the second range, at L'Anse Brillant, Que.

4457. Unsatisfactory train connection made between the Père Marquette and Grand Trunk Railway trains at St. Thomas, Ont.

4458. Delay of the Toronto, Hamilton and Buffalo Railway Company in settling claims for coal lost in transit.

4459. Car shortage on the Ridgeville branch of the Canadian Northern Railway Company at Wampum, Man.

4460. The Canadian Pacific Railway Company closing car order book to the public at Expanse, Sask., and giving the elevators more than their share of cars.

4461. Damage to farm and drainage system on account of the Canadian Pacific Railway Company constructing its Port McNichol line through property at Hartley, Ont.

4462. The Intercolonial Railway Company losing a shipment of galvanized iron pipe between Quebec, Que., and Cape de Maria, Que.

4463. Refusal of the Grand Trunk Railway Company to furnish piling space at Dobbinton, Ont.



## SESSIONAL PAPER No. 20c

4464. Dangerous crossing of the Michigan Central Railway over first crossing east of Main street, Waterford, Ont., between concessions 8 and 9, township of Townsend, Ont.

4465. Alleged excessive rate charged by the Great North Western Telegraph Company on a message transmitted from Oakville, Ont., to Fort William, Ont.

4466. Alleged injustice of the Grand Trunk Railway Company in charging car rental on a car shipped from Fesserton, Ont., to Milton, Ont., from which several apple barrels were stolen on account of defective doors.

4467. Inability of complainant to have the Dominion Express Company forward a parcel to Expanse, Sask., which was sent in error to Mortlach, Sask.

4468. Dangerous crossing on the Campbellford, Lake Ontario and Western Railway at lot 20, concession 3, township of Pickering, Ontario.

4469. The Grand Trunk Railway Company running light engine backwards from Sarnia, Ont., to Forest, Ont., without a light on tender.

4470. Refusal of the Canadian Northern Railway Company to accept a shipment of rifles on their steamer *Royal George*, at Quebec, Que.

4471. Unsatisfactory condition of cattle guards at Wiarton, Ont., on the Grand Trunk Railway.

4472. Lack of proper planking on the Grand Trunk Pacific Railway Company's crossings in the northwest quarter of section 7, township 53, range 4, west of the fifth meridian.

4473. Unsatisfactory service of the Grand Trunk Railway Company between Toronto, Ont., and Ottawa, Ont., via Coteau, Que.

4474. Car shortage on the Canadian Northern Railway at Darcy Station, Sask.

4475. Failure of the Canadian Northern Railway Company to provide station and baggage accommodation at Dummer, Sask.

4476. Withdrawal of the Bell Telephone Company's service from Yamaska, Que.

4477. Alleged violation of the rules regarding the flagging of the Canadian Northern and Canadian Pacific Railway Companies' trains in the West.

4478. Refusal of the Grand Trunk and Canadian Pacific Railway Companies to furnish refrigerator car for a shipment of vegetables to be shipped from Jordon, Ont., to Sault Ste. Marie, Ont.

4479. Alleged practice of the Grand Trunk Railway Company of handing over cars of goods without the bill of lading and taking chances that the bill of lading will be supplied later.

4480. Alleged excessive express charges on shipments of parcels of weekly papers as compared with charges on daily papers

4481. Car shortage at Scollard, Alta., on the Canadian Northern railway.

4482. The Canadian Northern Railway Company's tracks running too close to buildings on private property at Bienfait, Sask.

4483. The Canadian Northern Railway Company keeping an operator on duty at Bears Pass Station, Ont., for long hours without rest.

4484. Refusal of the Canadian Pacific Railway Company to supply a 40-foot car for shipping household goods, although a 36-foot car will not hold the minimum weight of household furniture.

4485. Refusal of the Canadian Pacific Railway Company to furnish information to complainant as to how many cars of hay were shipped by his contractor at La Salle, Man., to Winnipeg, Man.

4486. Unsafe condition of engines running out of Havelock, Ont., on the Canadian Pacific railway.

4487. Delay of the Canadian Northern Railway Company in paying for right of way through private property at Delia, Alta.

4488. Dangerous level crossing of the Canadian Pacific Railway at Main street, Dundalk, Ont.



4489. Inability to get tourist accommodation with second-class fare from Fleming, Sask., to Los Angeles, U.S.A.

4490. Special operating rules "E" and "F" as shown on the Canadian Pacific Railway Company's time cards.

4491. The Dominion and Canadian Express Companies discontinuing service at Sandwich, Ont.

4492. Unsatisfactory treatment received at the hands of the Canadian Pacific Railway while purchasing ticket at St. Kilda, Alta.

4493. Dangerous level crossings of the Canadian Northern Railway in the rural municipality of Meota, Sask.

4494. The operation of work trains without orders at Kamloops, B.C., by the Northern Construction Company, and the dismissal of an employee owing to an accident caused thereby.

4495. Dangerous level crossing of the Canadian Pacific Railway at the third crossing east of Claremont, Ont., at the Ninth Concession, township of Pickering, Ontario.

4496. The Canadian Pacific Railway Company raising elevation of track at Lemoyne Junction, Que., causing inconvenience to complainant who has to cross the track to get to some portions of his farm.

4497. Alleged unjust dismissal of an employee by the Grand Trunk Railway Company.

4498. Delay of the Canadian Pacific Railway Company in settling claims for shortage in weights of shipments handled from Calgary, Alta., to Vancouver, B.C.

4499. The Campbellford, Lake Ontario and Western Railway Company raising the elevation of their tracks in the Township of Sidney, Ont., and not grading the crossings to the new level.

4500. Unsatisfactory treatment received from the Kootenay Central Railway Company in connection with the settlement for lands taken for railway purposes at Brisco, B.C.

4501. Inability to secure satisfactory settlement with the Campbellford, Lake Ontario and Western Railway Company with regard to land and gravel pit expropriated on lot 21, concession 8, township of Camden, Ont.

4502. The Canadian Northern Railway Company's agent at McConnell, Man., closing the station on certain days of the week.

4503. Dangerous condition of highway crossings over the New York Central Railway on each side of the Chateauguay river.

4504. Sunday traffic between the ferry docks and Grand Trunk Railway Company's main line in the town of Cobourg, Ont.

4505. Dangerous condition of farm crossing on the Canadian Pacific Railway at lot 8, concessions 5 and 6, township of Winchester, Ontario, and refusal of the railway company to settle claim for cow killed at this crossing.

4506. The Grand Trunk Pacific Railway Company removing planks from crossings in the vicinity of Winter, Sask.

4507. Refusal of the Canadian Pacific Railway Company to make a satisfactory settlement for baggage lost in transit between Cranbrook and Vancouver, B.C.

4508. Inability of complainant to make a satisfactory settlement with the Canadian Pacific Railway Company for two horses killed on their right of way.

4509. Unsatisfactory time made by New York Central trains between Chateauguay, Que., and Montreal, Que.

4510. The New York Central Railroad having no issue of commutation or ten-trip tickets good for one year the same as other railways issue.

4511. Inability of complainant to get connection with the Bell Telephone Company at Barrie, Ont.

4512. Refusal of the Hastings Telephone Company to install a telephone in a house at Moira, Ont.

## SESSIONAL PAPER No. 20c

4513. Alleged increase in rates on silver bullion by the Dominion and Canadian Express Companies on account of increase in rates asked by the White Star Steamship Line.

4514. Alleged excessive express charges on seven crates of chickens handled by the Dominion Express Company from Westmeath, Ont., to Toronto, Ont.

4515. Unsatisfactory routing given a parcel of furs by the Canadian Express Company shipped to Corry, Penn., U.S.A.

4516. Lack of proper fence at deep cut on the Canadian Pacific Railway at Abbey, Sask.

4517. Alleged unjust demurrage charge assessed by the Canadian Pacific Railway Company on thirteen cars of wood at Mile End, Montreal, Que.

4518. Alleged excessive cartage charges on a bag of dressed poultry delivered by the Manitoba Cartage Company in Winnipeg, Man.

4519. Delay of the Chicago, Burlington and Quincy Railway Company, the Grand Trunk Railway Company and the Temiskaming and Northern Ontario Railway Company in settling claim for engine lost in transit.

4520. Present freight rates on pulpwood from Craig's Road, Que., on the Grand Trunk Railway to Union, N.H., on the Boston and Maine Railway.

4521. Delay of the Railway Companies in handling freight shipments consigned to Kingston, Ont.

4522. The Michigan Central Railway Company's shunting operations blocking highway crossing at the Montrose freight yards, Ont.

4523. Delay of the Grand Trunk Railway Company in properly placing cars at Port Hope, Ont., and the demurrage accruing thereby.

4524. Advance charge of one dollar levied by the Canadian Pacific Railway Company on a car of grain shipped from Evesham, Sask.

4525. Refusal of the Grand Trunk Pacific Railway Company to entertain claim for horse killed on their right of way near Brewer, Sask.

4526. Lack of telegraph service at Colborne, Ont., on the Canadian Northern Railway.

4527. The Hydro-Electric Company stringing wires in among telephone wires in the village of Thamesford, Ont.

4528. Refusal of the Bell Telephone Company to extend telephone line to a residence in Montreal, Que., unless the complainant pay a portion of the cost of same.

4529. The discontinuance of special reduced tolls granted to physicians in Montreal, Que., by the Bell Telephone Company.

4530. Application of the Canadian Pacific Railway Company to close Thames street and expropriate Elgin street from Water street to the river in the town of St. Mary's, Ont.

4531. Unsatisfactory condition of the Grand Trunk Railway Company's gravel pit along the highway near the village of South Durham, Que.

4532. Failure of the Grand Trunk Railway Company to clear away snow at highway crossings in the village of South Durham, Que.

4533. Unsatisfactory drainage conditions on the right of way of the Grand Trunk Railway Company in the village of South Durham, Que.

4534. Dangerous condition of the Grand Trunk Railway Company's crossings in the village of South Durham, Que.

4535. Difficulty in obtaining titles for townsites from the Canadian Northern Railway Company even after land is paid for in full.

4536. Depreciation in value of property on account of the location of the Kettle Valley Railway in Penticton, B.C.

4537. The removing of platforms at stopping places on the Montreal and Southern Counties Railway.

4538. Unsatisfactory condition of approaches to Canadian Northern Ontario Railway Company's crossing in the village of Yarker, Ont., and the manner in which the crossing gates are operated.

4539. Incorrect routing of a shipment of furs by the American Express Company from Sheddon, Ont., to Corry, Penn., U.S.A.

4540. Refusal of the Grand Trunk Pacific Railway Company to settle claim for cattle killed on their right of way west of Kinsella station, Alta., on account of lack of cattle guards and proper fences at that point.

4541. Unsatisfactory condition of highway crossing over the Grand Trunk Pacific Railway in the northeast quarter of section 10, township 35, range 27, west of the second meridian.

4542. Unsatisfactory drainage conditions at Creston, B.C., caused by the Canadian Pacific Railway Company filling in a cut at that point.

4543. The railway companies imposing a charge for the detention of refrigerator cars over and above the car service charges.

4544. The Canadian Pacific Railway Company refuse to allow their cars to be loaded with grain at Daysland, Alta., for shipment to Duluth, U.S.A.

4545. Alleged excessive rate charged by the Canadian Pacific Railway Company for passenger ticket from Dunmore Junction, Alta., to Calgary, Alta., and from Calgary, Alta., to Montreal, Que.

4546. The railway companies not notifying the different Boards of Trade in large cities of any changes proposed to be made in their freight tariffs.

4547. Failure of the Grand Trunk Pacific Railway Company to put a highway crossing over their tracks near Rutan station, Sask.

4548. Delay of the Canadian Pacific, Canadian Northern, Grand Trunk Pacific, and Great Northern Railway Companies in paying overcharge claims and refusal of the Great Northern and Canadian Pacific Railway Companies to furnish through billing on shipments to Eastern Ontario and Eastern United States points.

4549. The Grand Trunk Pacific, Canadian Pacific, and Canadian Northern Railway Companies' engines whistling unnecessarily in the city of Winnipeg, Man.

4550. The Canadian Pacific Railway Company holding up household goods owing to a dispute as to whether Complainant should pay freight rates as settlers' effects or household goods.

4551. Delay of the Canadian Express Company in settling claims when overcharges are made or goods are lost in transit.

4552. Canadian freight classification of wire oven racks.

4553. The Grand Trunk Pacific Railway Company running a train without a qualified conductor and no brakemen, tail lights or markers, out of Edson, Alta: The long hours of service of a brakeman at that point.

4554. The Canadian Pacific Railway Company not furnishing a proper heated car service between Sault Ste Marie, Ont., and Sudbury, Ont.

4555. Delay of the Canadian Pacific Railway Company in settling claim in connection with a shipment from White Sulphur, B.C., to Drumheller, Alta.

4556. Unsatisfactory train service on the Canadian Pacific railway at Tappen, B.C.

4557. Non-fencing on the Canadian Northern Railway Company's line between Drumheller, Alta., and Vegreville, Alta.

4558. Unsatisfactory condition of highway crossing over the Campbellford, Lake Ontario and Western Railway in lot 13, township of Cramahe, Ontario, and the unsafe condition of fences in that district.

4559. Failure of the Canadian Pacific Railway Company to notify patrons that there had been a wreck and there would be difficulty in getting through from Tottenham, Ont., to Toronto, Ont.

4560. Loss in transit of a box of luggage en route from Quebec, Que., to Meota, Sask., over the lines of the Canadian Pacific and Canadian Northern railways.

4561. Proposed construction of a trestle over Selkirk Water, Victoria Harbour, British Columbia, by the Canadian Northern Pacific Railway Company.



## SESSIONAL PAPER No. 20c

4562. Alleged excessive freight charges on a car of cotton seed meal shipped from Memphis, Tenn., to Burgessville, Ont., via the Grand Trunk Railway.

4563. Bulletin of the Grand Trunk Railway Company issued at Toronto, Ont., having reference to locomotive engineers booking complaints.

4564. The Canadian Pacific Railway Company for charging full carload rate when the shipment only weighed 1,150 pounds.

4565. Refusal of the Canadian Pacific Railway Company to make refund on unused portion of ten-trip commutation tickets issued at Montreal, Que.

4566. The Central Ontario Railway Company filling in around piers at bridge crossing Egan Creek, at lot 10, concession 7, township of Dungannon, Ont., thus blocking the creek for the spring log drive.

4567. The Central Ontario Railway Company removing planking from crossing at the tenth side line in the township of Dungannon, Ontario.

4568. Unsatisfactory train service on the Grand Trunk Railway between Sarnia, Ont., and London, Ont.

4569. The Kingston and Pembroke Railway Company for removing planking at crossings in the vicinity of Harrowsmith, Ont.

4570. Lack of punctuality of the Grand Trunk Railway Company's trains running between Montreal, Que., and Vaudreuil, Que.

4571. The Canadian Northern Railway Company's proposed spur line crossing, Second avenue west, at Seventeenth street, Prince Albert, Sask.

4572. Alleged excessive freight rates charged by the Canadian Northern Railway Company on shipments of coal from Richdale, Alta., to Cereal, Youngstown, and Alsask, Sask.

4573. Lack of station agent at Richdale, Alta., on the line of the Canadian Northern Railway.

4574. Refusal of the Bell Telephone Company to install a telephone for an applicant in Montreal, Que., owing to their being no pole line run in that vicinity.

4575. Refusal of the Dominion Express Company to call for parcels after 6 p.m. in the city of Montreal, Que.

4576. Unsatisfactory routing given by the Dominion Express Company to a shipment of raw furs from Cardston, Alta., to Corry, Pa., U.S.A.

4577. The Edmonton, Dunvegan and British Columbia Railway Company for not installing farm crossing in the northwest quarter of section 18, township 58, range 26, west of the fourth meridian.

4578. Alleged excessive cartage charges at Winnipeg, Man., on a shipment consigned from Rhein, Sask., on the Canadian Northern Railway.

4579. Canadian freight classification of catsups, jams, etc.,

4580. The Dominion Transportation Lines for delay in adjusting overcharges, improper collection of storage, and the miscarriage of goods.

4581. The Canadian Pacific Railway Company discriminating between individual owners of automobiles and taxicab owners in connection with the conveying of passengers from station in Winnipeg, Man., to points throughout the city.

4582. The Bell Telephone Company for charging a business rate for telephone installed in a residence at Guelph, Ont.

4583. Refusal of the Canadian Pacific Railway Company and the Intercolonial Railway Company to make refund on two unused tickets covering passage from Ottawa, Ont., to River Ouelle wharf, Que.

4584. Failure of the Grand Trunk Pacific Railway Company to provide accommodation for passengers and freight at King street, Entwistle, Alta.

4585. Refusal of the Grand Trunk Railway Company to make a settlement of claim for furniture broken in transit between East Rochester, N.Y., and Hamilton, Ont.

4586. Alleged excessive charges for interswitching services between the Grand



Trunk Railway and the Niagara, St. Catharines and Toronto Railway, at St. Catharines, Ont.

4587. Blocking of highway crossing at Grand River, Ont., by trains of the Lake Erie and Northern Railway Company.

4588. The Scymour Power Company stringing power wires too close to a telephone line in the vicinity of Newcastle, Ont.

4589. Refusal of the Canadian Pacific Railway Company to make refund on unused tickets covering passage between Elkhorn, Man., and Balcarres, Sask.

4590. Refusal of the immigration officials at Port Huron, Ont., to make refund of head-tax collected from a manservant entering Canada.

4591. The Canadian Northern Railway Company tearing up planking at Highway crossing at Gilbert Plains, Man.

4592. Refusal of the Canadian Pacific Railway Company to place a station agent at Ralph, Sask.

4593. Delay of the Canadian Northern Railway Company in settling claim for a shipment of tamarack wood lost in transit.

4594. Lack of station or station agent in the village of Hughton, Sask., on the Canadian Northern Railway.

4595. Alleged excessive freight rates charged by the Canadian Pacific Railway Company on shipments of milk from St. John, N.B., to points in the United States.

4596. Unsatisfactory conditions at the Canadian Northern Railway Company's station at Aberdeen, Sask.

4597. Alleged excessive freight rates charged by the Canadian Pacific and Canadian Northern Railway Companies on a shipment of settlers' effects from Okanagan, B.C., to Minitonas, Man.

4598. The Canadian Pacific Railway Company removing agent from their station at Dafeo, Sask.

4599. The Canadian Pacific Railway Company not making satisfactory settlement with complainant in connection with wages that, it is alleged, are due him.

4600. Alleged excessive passenger fares charged by the Grand Trunk and Canadian Northern Railway Companies on trains running between Depot Harbour, Ont., and Parry Sound, Ont.

4601. Refusal of the Canadian Pacific Railway Company to allow complainant to load Canadian Pacific Railway Company's cars at Spanish river, Ont., because these cars are consigned to Grand Trunk Railway Company at North Bay, Ont., for delivery by that road in Toronto, Ont.

4602. Lack of roadway or entrance for vehicles to the Canadian Northern Railway Company's station grounds at Paynton, Sask.

4603. The Canadian Northern Railway Company, for closing station at Kelwood, Man.

4604. The Canadian Pacific Railway Company, for closing station at Hitchcock, Sask.

4605. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Pritchard, B.C.

4606. Alleged excessive freight rates charged by the Canadian Northern and Canadian Pacific Railway Companies on a shipment of settlers' effects shipped from Strathmore, Alta., to Girvin, Sask., via Regina, Sask.

4607. Delay of the Canadian Pacific Railway Company in remunerating complainant for property expropriated for right of way in section 18, township 8, range 2, west of the third meridian.

4608. Failure of the Great Northern Railway Company's train to stop on signal at Columbia Gardens, B.C., for shipment of potatoes consigned to Rossland, B.C.

4609. Alleged unjust demurrage charge assessed complainant by the Canadian Pacific Railway Company on a car of coal consigned to Yorkton, Sask., and for which proper notice of arrival was not furnished.

## SESSIONAL PAPER No. 20c

4610. The Canadian Northern Quebec Railway Company's form of release in connection with shipments consigned from Montreal to flag stations on their line.

4611. The Canadian Express Company's alleged excessive charge on a shipment of books from Cornwall Junction, Ont., to Russell, Ont., over the Ottawa and New York Railway.

4612. Alleged excessive express charges on shipment of fruit handled by the Dominion Express Company from Toronto, Ont., to Meath, Ont.

4613. Failure of the Canadian Northern Railway Company to fulfil their part of an agreement with reference to the construction of a siding on their Goose Lake branch between Harris, Sask., and Tessier, Sask.

4614. Unsatisfactory train service and accommodation provided by the Canadian Northern Railway Company at Le Pas, Man.

4615. Alleged excessive freight charges on shipments of smoked fish handled by the Canadian Pacific Railway Company from St. John, N.B., to Brantford, Ont.

4616. Delay of the Michigan Central Railway Company in handling a shipment of groceries shipped from St. Catharines, Ont., to Bridgeburg, Ont.

4617. Delay of the Grand Trunk Railway Company in settling an account for alleged overcharge on a shipment of household effects shipped from Ottawa, Ont., to Crystal Springs, Florida, U.S.A.

4618. Blocking of traffic at Union street, Simcoe, Ont., by the Grand Trunk Railway Company's shunting operations at that point.

4619. Blocking of traffic at Talbot street, Canfield, Ont., by shunting operations of the Grand Trunk Railway Company's trains.

4620. Delay of the Canadian Pacific Railway Company in settling claim for household goods damaged while in transit from Outlook, Sask., to Biggar, Sask.

4621. The Canadian Northern Railway Company for closing station at Delmas, Sask.

4622. The Canadian Pacific Railway Company for closing station at Pambrun, Sask.

4623. The Canadian Northern Railway Company removing planking from highway crossings over their Delisle branch from Macrorie, Sask., west.

4624. The Bell Telephone Company's rate for telephone service at Lachine Locks, Que.

4625. Unsatisfactory train service furnished by the Grand Trunk Pacific Railway Company at Cudworth, Sask., on their Prince Albert branch.

4626. The Canadian Pacific Railway Company closing station at Corinne, Sask.

4627. The Canadian Pacific Railway Company closing station at Stalwart, Sask.

4628. The Canadian Pacific Railway Company closing station at Millet, Alta.

4629. Refusal of the Bell Telephone Company to give long distance connection to a rural telephone company at Howick, Que.

4630. Proposed change in location of the Grand Trunk Railway Company's station at Newtonville, Ont., to a point 3 miles west of its present location.

4631. Proposed location of the Canadian Northern Railway Company's line on Front street, Fort Francis, Ont., said line being an extension of the Ontario and Minnesota Power Company's spur line.

4632. Delay of the Grand Trunk Railway Company in handling shipments originating in the United States and destined to Quebec, Que.

4633. The circular issued by the Canadian Pacific Railway Company instructing their agents to make a charge for piling ground used where wood and pulp is waiting to be loaded.

4634. Delay of the Canadian Pacific Railway Company in settling claims.

4635. The Canadian Northern Railway Company closing station at Vibank, Sask.

4636. Alleged excessive rates charged by the Canadian Pacific Railway Company on carload lots of hay and straw shipped from Eddys, Ont., and Glen Rae, Ont., to Kazabazua, Que.

4637. Refusal of the Dominion Express Company to entertain claim for loss on account of delay of a shipment in transit.

4638. Alleged unsafe condition of the Canadian Northern Railway Company's bridge across the Saskatchewan river at Fort Saskatchewan, Alta.

4639. Alleged excessive freight rates charged on shipments of coke shipped from Toronto, Ont., to Buffalo, U.S.A., as compared with the rates charged on the same commodity shipped from Buffalo, U.S.A., to Toronto, Ont.

4640. Refusal of the Canadian Northern Express Company to make a satisfactory settlement of a claim for fruit found short at destination shipped from Winona, Ont., to Tamworth, Ont.

4641. Lack of fencing on the Grand Trunk Pacific Railway Company's right of way in the vicinity of South Bulkley, B.C.

4642. The Canadian Northern Railway Company closing station at Willmar, Sask.

4643. Inability to obtain any satisfaction from the Canadian Pacific Railway Company in connection with claim for refund of overcharge on shipments of cattle from Stratfordville, Ont., to Agassiz, B.C.

4644. The Canadian Pacific Railway Company for closing station and removing station agent at Keyes, Man.

4645. Alleged overcharge on a shipment of household effects and a sleigh from Shellbrook, Sask., to Leask, Sask., by the Canadian Northern Railway Company.

4646. Advance charges assessed by Canadian Railways on shipments of grain from various Canadian points to Minneapolis, Minn., U.S.A.

4647. The Canadian Pacific Railway Company closing their station at Beverley, Sask.

4648. The Grand Trunk Railway Company for encroaching on Main street, Callender, Ont., for their dock siding.

4649. Unsatisfactory treatment received from the Michigan Central Railway Company in connection with claims for fruit damaged in transit.

4650. Unsatisfactory location of the Canadian Pacific Railway Company's proposed subway at road allowance between sections 22 and 23, township 39, range 22, west of the fourth meridian.

4651. The Canadian Car Service Rules with regard to demurrage being charged at the same rate covering the same time on shipments of coal when shipped in small cars as when shipped in large cars even though the latter take much longer to unload.

4652. The Canadian Pacific Railway Company for closing station and removing agent at Tregarva, Sask.

4653. Refusal of the Grand Trunk Railway Company to settle claim for goods lost and damaged in transit from Paspebiac, Que., to Ottawa, Ont.

4654. Alleged excessive freight rate charged by the White Pass and Yukon Railway on the shipment of a launch sent from Skaguay, Alaska, to White Horse, Yukon Territory.

4655. Unsanitary condition of the Grand Trunk Railway Company's station and closets at Chesley, Ont.

4656. Lack of proper light at King Street crossing, Chesley, Ont., on the Grand Trunk Railway.

4657. Delay of the Kootenay Central Railway Company in making settlement for right-of-way expropriated in Columbia valley, British Columbia.

4658. Alleged dangerous crossing of the Grand Trunk Railway at Long street, Chesley, Ont.

4659. Refusal of the Canadian Pacific Railway Company to entertain claim for cow killed on their right-of-way at Revelstoke, B.C., although the cow gained access to the track through lack of proper fencing.



SESSIONAL PAPER No. 20c

4660. The Canadian Pacific Railway Company for closing their station at Folger, Ont., and removing the agent from that point.

4661. Refusal of the Canadian Pacific Railway Company and the Grand Trunk Railway Company to furnish a combination rate on a shipment of cooperage stock from Millbank, Ont., on the Canadian Pacific Railway to Stratford, Ont., on the Grand Trunk Railway.

4662. Refusal of the Canadian Freight Association to place ingot antimony and ingot tin in the fifth-class rate or else to take off the commodity classification babbitt metals, stereotype and solders so that western manufacturers can compete with eastern manufacturers in supplying these commodities.

4663. Proposed tariffs of the Canadian Pacific Railway Company advancing the rates on brick, gravel and building sand from Cooksville, Ont., to Toronto, Ont., and vicinity.

4664. Proposed issue of supplements to tariffs of the Grand Trunk Railway Company advancing the rate on brick from Port Credit, Ont., to Toronto, Ont., and cancelling the existing rate on gravel and building sand from York, Ont., to North Toronto, Ont.

4665. The Canadian Pacific Railway Company's tariff E. 2028 effecting shipments originating at Sudbury, Ont., for export via New York, Philadelphia, and Baltimore, U.S.A., and requiring complainants to furnish certified copies of ocean bills of lading.

4666. Delay of the Canadian Northern Railway Company in settling for land taken for right of way in the east half of section 6, township 30, range 9, west of the fourth meridian.

4667. Lack of station agent on the Canadian Pacific Railway at Val Morin, Que.

4668. Unsatisfactory boat and mail service furnished by the Canadian Pacific Railway Company between Gray Creek, B.C., and Crawford Bay, B.C., and unreasonable fares charged between Gray Creek, B.C., and Crawford Bay, B.C., and also to Kootenay Landing and Riوندel, B.C.

4669. Dangerous conditions at Palmers station, B.C., on the Esquimalt and Nanaimo Railway, on account of unsatisfactory access to and from the trains stopping at that point.

4670. The inconvenience caused by the removal of the Canadian Northern Railway Company's agent at Delmas, Sask.

4671. Dangerous condition of highway crossing over the Canadian Pacific Railway at Bellview, Ont., just east of the Central Ontario junction.

4672. The Canadian Pacific Railway Company for removing agent and closing station at Rokeby, Sask..

4673. The Grand Trunk Railway Company removing planking from crossings in the south half of lot 4, concession 1, township of Nelson, Ontario.

4674. The Canadian Pacific Railway Company for removing station agent and closing station at Pearce, Alta.

4675. Failure of the Grand Trunk Pacific Railway Company to make settlement for lands expropriated for right of way purposes in the northeast quarter of section 34, township 8, range 5, west of the fifth meridian, in Bulkeley valley, B.C.

4676. The Canadian Pacific Railway Company for reducing train service on their Snowflake branch in the province of Manitoba.

4677. Unsatisfactory train service furnished by the Canadian Pacific and Canadian Northern Railway Companies between Lachute, Que., and Montreal, Que.

4678. Failure of the Canadian Pacific Railway Company to issue commutation tickets covering passage between Lachute, Que., and Montreal, Que.

4679. Refusal of the Grand Trunk Railway Company to furnish meals to first-



5 GEORGE V., A. 1915

class passengers unless they hold pullman accommodation tickets on the Montreal to Ottawa line.

4680. Increase in freight rate on chicken grit between Trenton, Ont., and Toronto, Ont., on the Canadian Northern Ontario Railway.

4681. The Canadian Pacific Railway Company for removing agent and closing station at Dunkirk, Sask.

4682. Alleged excessive freight rate charged on the shipment of a car of manure over the Niagara, St. Catharines and Toronto Railway.

4683. Alleged dangerous crossing of the Canadian Northern Railway Company at Boundary road between the townships of Portland and Camden, Ont.

4684. Alleged dangerous condition of highway crossing on the Canadian Northern Railway between the villages of Harrowsmith, Ont., and Sydenham, Ont., at lots 4 and 5, township of Portland, Ontario.

4685. Inability of complainant to obtain settlement with the Canadian Northern Railway Company for land taken for railway purposes in the village of Emo, Ont.

4686. Refusal of the Dominion Express Company to accept a shipment of furs at Belleisle, N.B., consigned to Corry, Penna.

4687. Unsatisfactory train service furnished by the Grand Trunk Railway Company between Sarnia, Ont., and London, Ont.

4688. Refusal of the Canadian Northern Railway Company to make compensation for cattle killed on their right of way at Big Valley, Alta., on account of lack of proper fencing on their line.

4689. The Canadian Pacific Railway Company for delay in transit to a car of coal shipped from Shand, Sask., to Hitchcock, Sask.

4690. Delay in the settlement of claims for goods lost or destroyed while in transit on Canadian railways.

4691. Alleged excessive charges on the shipment of a parcel from Montreal, Que., to Youngstown, Alta., by the Dominion and Canadian Northern Express Companies.

4692. Alleged excessive charges assessed by the Canadian Northern Express Company on a shipment consigned to Rossclair, Ont., which includes a charge for handling by stage.

4693. Refusal of the Canadian Pacific Railway Company to install a farm crossing on the southeast half of lot 9, concession 8, township of Cavan, Ontario; also the unsatisfactory drainage conditions at that point.

4694. The Grand Trunk Railway Company's delay in transit to the shipment of a circular saw frame consigned from Laprairie, Que., to Maria, Que.

4695. Unsatisfactory service and accommodation furnished by the Canadian Northern Railway Company to coach and stockmen while travelling on that line of railway in the west.

4696. Refusal of the Canadian Pacific Railway Company to construct a spur to gravel pit of complainant.

4697. Unsatisfactory treatment received from the Grand Trunk Pacific Railway Company in connection with an agreement of sale of portion of farm for right of way purposes in the southwest quarter of section 2, township 22, range 5, west of the third meridian.

4698. Alleged excessive rate asked by the Bell Telephone Company to install a telephone at Lachine, Que.

4699. Unsatisfactory train service and lack of sleeper accommodation on the Grand Trunk Railway Company's line between Kingston, Ont., and Montreal, Que.

4700. Delay in transit to a shipment consigned from Grenville, Que., to Greenfield, Ont., via the Canadian Pacific and Grand Trunk Railway Companies.

4701. Unsatisfactory condition of approaches of the International railway bridge at Queenston, Ont.

4702. Delay of the Grand Trunk Pacific Railway Company in settling their claims.

## SESSIONAL PAPER No. 20c

4703. Alleged excessive express rates charged by the Canadian Northern Express Company on a parcel shipped from Calgary to Morinville, Alta.

4704. Delay of the Canadian Pacific Railway Company in settling for right of way expropriated in the northwest quarter of section 7, township 6, range 25, west of the second meridian.

4705. The Dominion Atlantic Railway Company cutting off access to bridge at Little Joggins River, N.S.

4706. Delay in transit to a box of personal effects shipped from Yorkton, Sask., to Portland, Oregon, U.S.A., by the Grand Trunk Pacific Railway.

4707. Lack of satisfactory business connections between the Bell Telephone Company and independent telephone companies in Ontario.

4708. Alleged excessive freight rates charged from points on the Canadian Northern Railway to points on the Canadian Pacific Railway, when shipment is routed via Camrose, Alta.

4709. Refusal of the Grand Trunk Pacific Railway Company to entertain claim for horses killed by their train on their right of way at a point where crossing gate had no fastenings, near Asquith, Sask.

4710. Lack of station agent and proper station facilities at St. Isidore Station, Que., on the Maine Central Railroad.

4711. The Canadian Northern Railway Company removing planks at crossings near Chinook, Alta., and particularly at crossing between sections 12 and 13, township 29, range 8, west of the fourth meridian.

4712. Refusal of the Grand Trunk Pacific Railway Company to enter an account for loss of flour in transit from Edmonton, Alta., to Seba Beach, Alta.

4713. Unsatisfactory train service provided by the Canadian Pacific Railway Company at Caughnawaga, Que.

4714. Refusal of the Grand Trunk Pacific Railway Company's Agent to accept, as baggage, cardboard boxes with handles containing personal effects.

4715. Issuance of supplement to Grand Trunk Railway Company's Tariff C.R.C. No. E. 2552 with regard to freight rates on common clay from Waterdown, Ont., to Mimico and Swansea, Ont.

4716. The Grand Trunk Pacific Railway Company removing station agent from their station at Ingelow, Man.

4717. Unsatisfactory train service furnished by the Canadian Pacific Railway Company to the town of Chelmsford, Ont.

4718. Alleged excessive freight rates on lumber when carried by the Canadian Pacific Railway Company as compared with freight rates charged by the Grand Trunk Railway Company.

4719. The Bell Telephone Company at Toronto, Ont., not inserting a firm name in their directory as requested.

4720. Alleged dangerous crossing on the Kingston and Pembroke branch of the Canadian Pacific Railway Company just south of Oso station, Ont.

4721. Refusal of the Grand Trunk Railway Company to provide sufficient protection at crossing known, as Bergevin's crossing in the village of South Durham, Que.

4722. Refusal of the Grand Trunk Railway Company to provide sufficient protection at three crossings, including Main Street crossing, in the village of South Durham, Que.

4723. Dangerous condition of highway crossings on the Campbellford, Lake Ontario and Western Railway at lot 2, concession 5, and lot 2, concession 4, township of Oso, Ont.

4724. The Canadian Pacific Railway Company for alleged overcharge for transporting a stallion from St. Thomas, Ont., to Saskatoon, Sask.

4725. Unsatisfactory train service furnished by the Canadian Pacific Railway Company at Waldhof, Ont.

4726. Alleged excessive express rate charged by the Canadian Express Company on shipments from St. Jean, Que., to St. Hubert, Que., as compared with the rate charged from St. Jean to St. Hyacinthe, Que.

4727. Alleged excessive freight rate charged by the Canadian Pacific Railway Company on shipment of an automobile from Pilot Mound, Man., to Pimate, Sask.

4728. Unsanitary condition of the Grand Trunk Pacific Railway Company in section 30, township 34, range 17, west of the third meridian, near Springwater, Sask.

4729. Dangerous condition of the Canadian Northern Railway Company's crossing across road between lots 15 and 16, in the township of Darlington, Ontario, known as Seugog road.

4730. Dangerous condition of the Canadian Northern Railway Company's crossing between lots 28 and 29, township of Darlington, Ontario.

4731. Dangerous condition of the Canadian Northern Railway Company's crossing between lots 10 and 11, township of Darlington, Ontario, known as Manvers road.

4732. Unsanitary condition of Canadian Pacific Railway Company's boarding cars at Port Lock siding, Ont., and other points.

4733. Unsatisfactory station facilities at Dobbington, Ont., on the line of the Grand Trunk Railway.

4734. Unsatisfactory treatment received at the hands of the local manager of the Bell Telephone Company at Lachine, Que., when telephone service was withdrawn without good cause.

4735. Alleged dangerous crossing at "Longwoods Road" over the Père Marquette Railway, near Chatham, Ont.

4736. The Canadian Pacific Railway Company for not allowing their sectionmen to work on the Reston to Wolseley, Sask., branch of their railway except in the afternoons.

4737. Unsatisfactory condition of the mail and train service on the Irondale, Bancroft and Ottawa Railway between Kinmount, Ont., and Bancroft, Ont.

4738. Unsatisfactory condition of train and mail service on the Grand Trunk Railway between Lorneville, Ont., and Coboconk, Ont.

4739. Refusal of the Bell Telephone Company to install an instrument in factory on Chabot street, Montreal, Que.

4740. Alleged unsatisfactory treatment received from the Grand Trunk Pacific Railway Company in connection with settlement for lands expropriated for right of way purposes in lot 191, range 5, Coast district, right bank of the Skeena river, British Columbia.

4741. The Canadian Pacific Railway Company for alleged excessive freight rate charged on a shipment of household effects from Portland, Oregon, to Langham, Sask.

4742. The Grand Trunk Pacific Railway Company for alleged excessive freight rate charged in connection with the shipment of a consignment of cordwood from Richan siding to Winnipeg, Man.

4743. The Canadian Pacific Railway Company failing to divert and change the destination of a car after shipping from Carson, B.C., thereby causing loss to the shipper.

4744. The Quebec Oriental Railway Company for failure to set off a shipment consigned to St. Omer flag station, Quebec, and carried same to the next station.

4745. Alleged excessive rates charged on express shipments of mineral waters when consigned to points on the Bay of Quinte and Central Ontario Railways.

4746. Refusal of the Dominion Atlantic Railway Company to grant a rebate on tickets purchased covering passage from Lawrencetown, N.S., to Halifax, N.S.

4747. Alleged unsatisfactory treatment received from the Canadian Northern Railway Company in connection with the sale of land required by the railway company for right of way and station purposes at Munson, Alta.

4748. Alleged failure of the Canadian Pacific Railway Company to install a farm



## SESSIONAL PAPER No. 20c

crossing on property in the northeast quarter of section 26, range 2, west of the sixth meridian.

4749. Delay of the Canadian Express Company in settling claim for goods lost in transit from Abernethy, Sask., to Melville, Sask.

4750. Alleged excessive rate charged by the Boston and Maine Railroad Company for switching coal shipments at Lennoxville, Que.

4751. Failure of the Canadian Pacific Railway Company to supply car for shipping purposes at East Florenceville, N.B., the station agent claiming that larger shippers get the preference in the matter of car supply.

4752. The Canadian Pacific Railway Company closing Maharg station, Alberta.

4753. Lack of a proper loading platform at Dinsmore, Sask., on the Canadian Northern Railway.

4754. The Grand Trunk Railway Company charging more than sixty cents per ton for coal received at Buffalo, Black Rock or Suspension Bridge for delivery in any part of the city of Toronto, Ont.

4755. Loss and damage to household goods in transit over the line of the Canadian Pacific and Canadian Northern Railway Companies from Carleton Place, Ont., to Nanagan Centre, B.C.

4756. The Canadian Northern Railway Company closing station and removing station agent at Underhill, Man.

4757. The Canadian Pacific Railway Company's unsatisfactory grain loading platform and approaches thereto at Sheho, Sask.

4758. The Bay of Quinte Railway Company discontinuing making connection with the Grand Trunk Railway Company's passenger trains from the east and west at Napanee, Ont.

4759. Refusal of the Grand Trunk Pacific Railway Company to make a settlement for goods lost and delayed in transit from Toronto, Ont., to Saskatoon, Sask., over the lines of the Grand Trunk and Grand Trunk Pacific Railway Companies.

4760. The Canadian Pacific Railway Company proposed diversion of their line where it crosses the town line between Pakenham, Ont., and Fitzroy, Ont., thereby necessitating the expropriation of certain portions of complainant's lands.

4761. The unsanitary condition of the Central Vermont Railway Company's station at Richelieu, Que.

4762. Unsatisfactory treatment received from the Quebec Oriental Railway Company when an accident took place on their line half way between Metapedia, Que., and Cross Point, Que.

4763. Alleged unsatisfactory condition of drainage facilities on the Grand Trunk Railway in the town of Greenfield Park, Que.

4764. Stock pens on the Canadian Pacific Railway between Smiths Falls, Ont., and Havelock, Ont., having proper clearance from tracks.

4765. Switching charges assessed by the Canadian Pacific Railway Company on shipments of hay from the Grand Trunk consigned to local points on their line and charges for switching from points on their line to the Canadian Northern Railway Company's line within the city of Ottawa, Ont.; also the Canadian Pacific Railway Company increasing the minimum weights on cars of hay from 30,000 to 40,000 pounds when such weight, it is alleged, is beyond the car capacity.

4766. Unsatisfactory drainage conditions on the Toronto, Hamilton, and Buffalo Railway Company's right of way in the city of Hamilton, Ont.

4767. The Canadian Pacific Railway Company for an alleged unjust assessment of four dollars car rental on a car of coal interswitched at London, Ont.

4768. The Cedars Rapids Manufacturing and Power Company expropriating portion of complainant's property for a right of way for their proposed power line.

4769. The Canadian Pacific Railway Company not providing proper facilities for handling freight and the unsatisfactory condition of road leading to freight shed at Rossport, Ont.

5 GEORGE V., A. 1915

4770. The Cedars Rapids Manufacturing and Power Company expropriating portion of complainant's property in the parish of St. Joseph de Soudan, Que., for right of way purposes for their proposed power line.

4771. Refusal of the Canadian Pacific Railway Company to make a settlement for a coat and bedspread lost in transit while en route from London, England, to Hamilton, Ont.

4772. The Saginaw Power Company's proposal with regard to their current from premises at Lindsay, Ont., where a small motor is used to generate electricity for lighting purposes.

4773. The Grand Trunk Pacific Railway Company refusing coal shipments at Three Hills, Alta., on its Tofield-Calgary branch, consigned to Calgary, Alta., claiming that they cannot handle these shipments unless they are granted a terminal site at Calgary, Alta.

4774. Proposed advance in rates on the lines of the Michigan Central, Grand Trunk, Welland, Port Huron, Erie, York, Grand and Hudson River, and West Shore railways, also the proposed cancellation of the Essex Terminal Railway Company as a participating carrier in international tariffs.

4775. Rules governing milling in transit privileges as contained in tariff C.R.C. No. E. 2894.

4776. Refusal of the Bell Telephone Company of Canada to install an instrument in residence in Notre Dame De Grace, Montreal, Que., unless complainant pays for a portion of the work of constructing the line to that point.

4777. Alleged unsatisfactory passenger accommodation furnished by the Grand Trunk Railway Company from Inglewood, Ont., to points north and northeast, including Orangeville, Mount Forest, Owen Sound, Barrie, and Meaford, Ont.

4778. Lack of fencing along the Canadian Northern Railway Company's right of way in the northwest quarter section 3, township 18, range 20, west of the principal meridian.

4779. Lack of fencing along the Canadian Northern Railway Company's right of way at the southeast quarter of section 10, township 18, range 20, west of the principal meridian.

4780. The Canadian Pacific Railway Company fixing excessive minimum weight on shipments of manure such weight being beyond the possible capacity of the car.

4781. The Cedars Rapids Manufacturing and Power Company expropriating portion of complainant's property for right of way purposes for their proposed power line.

4782. Unsatisfactory drainage on the right of way of the Canadian Pacific Railway Company near Ibester, Ont.

4783. "Lock of" fencing along the right of way of the Canadian Pacific Railway Company at a point 2 miles west of Sirdar, B.C.

4784. The Canadian Northern Ontario Railway Company's proposed spur to be constructed to serve the Box Factory, the Steel Equipment Company, the Pembroke Lumber Company, and local freight shippers of the town of Pembroke, Ont.

4785. Failure of the Canadian Pacific Railway Company to properly cover a log ditch crossing with gravel at a farm crossing near Bar River, Ont.

4786. Lack of station agent at Alton, Man., on the Canadian Northern Railway.

4787. Lack of station agent at Bellevue, Man., on the Canadian Northern Railway.

4788. Demurrage assessed on a car of coal which was unloaded at Perth, Ont., four days after same was received and no time was allowed for the passing of customs entry.

4789. The Dominion Express Company for improperly routing shipment of furs from Deep Rock, N.S., consigned to Corry, Penn.

4790. Refusal of the Canadian Express Company to make settlement for shipments of furs lost in transit from Delburne, Alta., to Oshkosh, Wis., U.S.A.

## SESSIONAL PAPER No. 20c

4791. Alleged exorbitant charges assessed by the Dominion Express Company on a shipment of poultry from Hazel Cliffe, Sask., to Zealandia, Sask.

4792. Canadian freight classification on grain picklers.

4793. The Canadian Pacific Railway Company removing agent and closing station at Cross, Sask.

4794. Delay and inconvenience to traffic caused by the Canadian Pacific Railway Company making shunting operations at Montcalm street crossing near Hull station, Qué.

4795. Unsatisfactory condition of Canadian Pacific Railway Company's station at Hull, Qué.

4796. The Canadian Pacific Railway Company closing station at Cheadle, Alta.

4797. The Canadian Pacific Railway Company losing a sewing machine while same was in transit over their line from Haliburton, Ont., to Bisco. Ont.



## APPENDIX B.

LIST OF APPLICATIONS HEARD AT PUBLIC SITTINGS OF THE BOARD  
FOR THE YEAR ENDING MARCH 31, 1914.

4077. Complaint of the town of Merrickville, Ont., relative to train service at that point on the line of the C.P.R. (Adjourned hearing.) File 20679.

The flag station service to remain as it is until an order of the Board. With regard to the complaint of the village of Chesterville, this is referred to the board's chief operating officer to work out with the companies interested.

4078. Application of the C.L.O. & W. Ry. Co. under section 237, for authority (1) to divert the Kingston road in lots 14 and 15, concession 1, township of Darlington, part of said road lying within the town of Bowmanville, Ont.; (2) to carry said diversion across the tracks of the said railway by means of an overhead bridge at mileage 149.5 (from Glen Tay); (3) to continue said diversion to connect with the Kingston road; (4) to divert the road allowance between said lots 14 and 15, to connect with the said diversion of the Kingston road; the portions of said Kingston road and said road allowance thus replaced by the proposed diversions are to be closed. File 3701-204.

Order made that the applicant company be authorized to take the lands in question, also authorized to divert the Kingston road in lots 14 and 15, concession 1, township of Darlington; and to carry the road across the railway by means of an overhead bridge, the bridge to be 25 feet in width and detail plans of the structure to be submitted for the approval of the board's engineer. See order No. 19335.

4079. Application of the Vancouver Power Company, Ltd., for an order rescinding order of the board No. 17652 authorizing the C.P.R. to construct, maintain and operate branch line or spur for the American Lumber Co., across the tracks of the British Columbia Electric Ry. Co., at Sumas Junction, B.C. File 19759.

Application refused. Order issued to stand.

4080. Application of the C.N.O. Ry., under section 258, for approval of the location of its station grounds on lot 7, at Beachburg, township of Beachburg, county of Renfrew, Ontario. (Re-hearing). File 20143.

Order made approving location of the company's station grounds on lot 7 at Beachburg, township of Westmeath. Order No. 18468 cancelled.

4081. Application of the C.N.O. Ry. under sections 159 and 167, for approval of location and portion of revised location of its line of railway through the townships of Pembroke, Stafford and Alice, county of Renfrew, mileage 82.62 to mileage 88.85, from Ottawa, excluding the spur line running into the town of Pembroke to the station grounds on Mary street. File 3561-131.

Order made granting the application upon the conditions set forth in the order. See order No. 19206.

4082. Application of the C.N.R. Co., under section 257, for authority to extend the existing foot bridge over the tracks at West Fort William, Ont. (To be spoken to.) File 17572.

No Order made.

From the 1st of April 1914, the question of inter-traffic privileges by the G.T.R., C.P.R., and C.N.R. companies at Orillia.

NOTE.—Board will consider the question raised as to rental to be paid by C.P.R. to the G.T.R. in connection with latter company's land herein. File 6713-19.

No Order made.

## SESSIONAL PAPER No. 20c

4084. Complaint of R. B. Faith, *re* condition of coaches on line of O. & N.Y. Ry. between Ottawa and Cornwall. File 8434.

Judgment reserved. Matter referred to the board's chief operating officer for report.

4085. Application of C.P.R. Co. under sections 227 and 237 to construct the tracks of its Bergen Northeasterly branch across the highway known as the West Kildonan road, and also the tracks of the Winnipeg Electric Railway Co., in the municipality of Kildonan, Man. File 20444-1.

No Order made.

4086. Application of the C.P.R. Co. under section 222 for authority to construct two sidings for H. B. Harrison across his property, known as lots 9, 8, 7, 6, 5, and 4, range 7, township of Sydenham, and lot 9, now being in the town of Owen Sound, Ont.

NOTE.—Messrs. Oliver and Webster are required to show cause why arrangement for joint use of this spur by Mr. H. B. Harrison and themselves should not be made, that the existing siding agreement should be cancelled by the board; the rights of Messrs. Oliver and Webster cancelled and provision made for the joint use of the said spur by both firms on terms to be fixed by the board. File 21387.

Order made granting the application.

4087. Application of the Lake Erie & Northern Railway Co. under sections 158 and 159 for approval of general location of proposed line from the city of Brantford to the town of Galt, Ont., station 0-00 to station 498-53.5. File 18034-7.

Order made approving location subject to the conditions set forth in the order. See order 19087.

4088. Application of the Lake Erie & Northern Railway Co. under sections 158 and 159 for approval of location of its line of railway from station 498—53.5 in the township of South Dumfries to station 1113—90, being the terminus of said railway at the town of Galt, Ont. File 18034-14.

Order made approving location of line from station 0-00 at Lorne bridge, city of Brantford, to station 1113-90 at Maine street in the town of Galt, upon conditions set out in order. See order 19087.

4089. Application of the Lake Erie & Northern Railway Co. under section 237 for approval of highway crossing in the town of Galt. File 18034-11.

Order made authorizing the crossing of concession, Walnut, Bruce, and Main streets, city of Brantford. See order 19226.

4090. Application of the Lake Erie and Northern Railway Co. under section 237 for authority to carry its line of railway along and across William street and Portland street, in the town of Paris, Ont. File 18034-8.

Judgment reserved on the question as to whether a subway should be constructed at this point.

4091. Application of the Lake Erie and Northern Railway Co. under section 237, for authority to carry its line of railway across or along existing highways in the city of Brantford, Ontario. File 18034-6.

Order made authorizing the crossing of West Mill street, St. Paul ave., Leonard and Morrell streets, Brantford. See order 19247.

4092. Application of the Lake Erie & Northern Railway Co., under section 237, for leave to carry its line of railway along and across town line between townships of South Dumfries and Brantford (Gowmore road) River road, and Concession road, between concessions 1 and 2, township of South Dumfries, Ontario. File 18034-9.

Matter stands, company to file new plans.

4093. Application of the Lake Erie & Northern Railway Co. under section 237, for approval of the highway crossing of the said railway in the township of South Dumfries, Ontario. File 18034-13.

5 GEORGE V., A. 1915

Order made authorizing the crossing of Fleming, Head, Maine, Princess streets, and River and Concession road, township of South Dumfries. See order 19505.

1906. Application of the Lake Erie & Northern Railway Co. under section 227 for leave to carry its line of railway along or across certain existing highways in the township of Brantford, Ontario. File 18034-10.

Order made authorizing the crossing of Concession road between concessions 2 and 3 in the township of Brantford. See order 19972.

4095. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of highway crossings of said railway within the township of North Dumfries, Ontario. File 18034-12.

Order made granting the application. See order 19250.

3990. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of crossing at grade of the tracks of the Brantford Street Railway Company at Brantford, Ontario. File 18034-18.

Application refused.

4097. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of crossing at grade of the tracks of the T. H. & B. Railway Co., in Brantford, Ontario. File 18034-17.

Order made granting the application. See order 19249.

4098. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of crossing at grade of the proposed tracks of the N. St. C. & T. Railway Co. at Brantford, Ontario. File 18034-19.

Matter stands; company to file new plans.

1900. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of connection within 400 ft. of Lake Erie & Northern Railway with tracks of C.P.R. at Station 1113-90 at the town of Galt, Ontario. File 18034-21.

Order made granting the application. See order 19219.

4100. Application of the Lake Erie and Northern Railway Co. under section 227 for approval of the crossing at grade of the tracks of the Grand Valley Railway Co. at station 1959-06 at Galt, Ontario. File 18034-15.

Order made granting the application, crossing to be protected by half interlocking plant, the applicant company to bear and pay the whole cost of maintenance and operation of same. See order 19248.

4101. Application of the Lake Erie and Northern Railway Co. under section 227 for approval of the crossing at grade of the tracks of the Grand Valley Railway Company near Paris, Ontario. File 18034-16.

Order made granting the application, crossing to be protected by half interlocking plant, expense and maintenance of same to be borne and paid by the applicant company. See order 19321.

4102. Application of the Lake Erie and Northern Railway Co., under section 227, for leave to raise the tracks of the Grand Valley Railway Co., at the county line between the county of Brant and the county of Waterloo, station 868-97. File 18034-20.

Order made granting leave to the applicant company to raise the tracks of the Grand Valley Railway Co. 2 feet. See order 20130.

4103. Application of the Lake Erie and Northern Railway Co. under section 176, for leave to divert the rails of the Grand Valley Railway Co. at station 908-50 to station 937-69 in the township of North Dumfries, Ontario. File 18034-22.

No order made.

4104. Application of the Lake Erie and Northern Railway Co. under section 227, for approval of crossing at grade of the tracks of the C.P.R. at station 1974-72 at Galt, Ontario. File 3561-131.

Order made approving application, subject to the conditions set forth in the order. See order 19206.

4105. Application of the Lake Erie & Northern Railway Co. under section 227, for

## SESSIONAL PAPER No. 20c

approval of crossing at grade of the tracks of the G.T.R. at Brantford, Ontario. File 18034-24.

Application stands, company to file new plans.

4106. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of under-crossing of the G.T.R. tracks at station 538-16-9. File 18034-25.

Order made granting leave to the applicant company to cross the G.T.R. Company's tracks by means of an under-crossing, detail plans to be submitted for the approval of the G.T.R. and an engineer of the board. See order 19504.

4107. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of under-crossing of the tracks of the G.T.R. at Paris, Ontario. File 18034-26.

Order made granting leave to the applicant company to cross the G.T.R. Company's tracks by means of an under-crossing, detail plans to be submitted for the approval of the G.T.R. and an engineer of the board. See order 19244.

4108. Application of the Lake Erie & Northern Railway Co. under section 227 for approval of under-crossing of the proposed location of the G.T.R. through the Hamme-dale district at Brantford, Ontario. File 18034-27.

Application stands pending the construction of the line.

4109. Application of the C.N.O. Railway under sections 159 and 167 for approval of location and portion of revised location of its line of railway through the townships of Pembroke, Stafford and Alice, county of Renfrew, mileage 82-62 to 88-85 from Ottawa, excluding the spur line running into the town of Pembroke to the station grounds on Mary street.

NOTE.—The question to be considered will be the right of way of the Canadian Northern into Pembroke and whether an Order should not go authorizing the use of the G.T.R. right of way by the C.N.O.R. by the granting of running rights over it, or as a joint section to be worked out by arrangement between the parties.

The question of the separation of grades at Mary street will also be considered at the same time. File 3561-131.

Order made granting the application, but excluding the spur line of the railway company into the town of Pembroke to the station ground on Mary street, subject to conditions set forth in the Order. See order 19206.

4110. Application of the Hamilton Board of Trade for an order disallowing the tolls for local switching within the Hamilton terminals, shown in the Grand Trunk Railway Company's C.R.C., No. E. 2677 and the Toronto, Hamilton and Buffalo Railway Company's C.R.C. No. 585, which have increased the tolls previously charged under tariffs C.R.C. Nos. E. 1686 and 500, respectively, and restoring the tolls of these last mentioned tariffs. File 21778.

Effective date of new tariffs suspended, T.H. & B. Co. in meantime to be allowed to charge the same as the Grand Trunk's old rate. Railway companies to file information and figures mentioned. Mr. Walsh to furnish board with information asked for.

4111. Application of the G.T.P. under section 237 for authority to construct an additional railway track across Thompson road in the township of Bertie, Ontario, to be used in connection with the proposed extension of the applicant company's yard at Bridgeburg, Ont., and Fort Erie, Ont.

NOTE.—The question of the construction of a subway at this point will be considered. File 9437-933.

Order made directing applicant company to construct a 30-foot subway with 14-foot headroom, at crossing of Thompson road; 20 per cent (not to exceed \$5,000) to be paid out of "The Railway Grade Crossing Fund"; 15 per cent of the balance to be paid by the P.M.R. Co.; 20 per cent by the M.C.R. Co.; 47½ per cent by the applicant company, and 7½ per cent by the township of Bertie; plans to be filed by June 6, 1913; work to be commenced within thirty days after approval of such plans, and to be completed within four months. See order No. 19215.



5 GEORGE V., A. 1915

4112. Petition of the residents of Grimsby East, Ont., for an order requiring the G.T.R. to provide a regular train service at Grimsby Beach in order to secure express service at that point. File 21725.

Struck off the list, as case settled.

4113. Application of Carroll Bros., of Buffalo, N.Y., for an order settling the terms of an agreement of the 11<sup>th</sup> of January, 1913, between the G.T.R. and Carroll Bros., respecting the laying and maintenance of the siding connection with the said G.T.R. at Sherkston, Ontario. File 17332-1.

Order made dismissing the application. See order 20135.

4114. Application of Toronto and Niagara Power Company under section 249 for an order directing the T.H. & B. Ry. Co. to permit the applicant company to carry its wires across the right of way of the said railway company.

Order made granting the application subject to the conditions set out in the order. Order No. 18898 dated March 19, 1913, partially rescinded. See order 19214.

4115. Application of the town of Thorold, Ont., for interswitching facilities between the G.T.R. and the N. St. C. & T. Ry. Co. near the Colonial Wood Products Company's mill, in the town of Thorold, Ontario. File 6713-38.

Stands. Referred to the board's chief operating officer for report.

4116. Application of the T. H. & B. Ry. Co. under sections 221 and 222, for authority to construct a spur in the city of Hamilton, Ontario, from a point south of Simcoe street on a spur connecting with the applicant company's easterly belt line and running thence across Simcoe and Wellington streets to and into the lands of Messrs. Sawyer-Massey Co., Ltd. File 14475-1.

Order made granting the application subject to the conditions set forth in the order. See order 19212.

4117. Application of the T.H. & B. Ry. Co. under sections 222 and 221, for authority to construct a spur in Hamilton, Ontario, from a point on its easterly belt line of railway on a part of lot 7, concession 3, township of Barton, thence across Cumberland avenue to and into the premises of Messrs. Furnival-New, Ltd., and the Henry New Estate; and also under sections 235 and 237 for authority to cross said Cumberland avenue with said branch line or spur. File 21922.

Order made granting the application. See order 19211.

4118. Complaint of the Rogers Supply Co., of Toronto, that the Toronto, Hamilton and Buffalo and Canadian Pacific Railway Companies refuse the benefit of the board's general interswitching order in connection with the joint rate of 55 cents per ton on stone from Vinemount to Toronto, when Grand Trunk sidings within the interswitching limit are designated for unloading purposes. File 21567.

Application withdrawn.

4119. Application of the T. H. B. Ry. Co. under sections 26 and 246 for an order restraining the Hamilton Cataract Power Light and Traction Co., Ltd., from maintaining and erecting the high tension transmission power line and wires over the branch line of railway of the applicant company through lot 28, concession 5, township of Saltfleet, Ont., until permission of the board has been obtained by said Power Company for the construction and maintenance of the said power lines and wires across the applicant company's track. File 20576.

Order made granting application. See order 19170.

4120. Application of the city of Hamilton, Ont., for an order directing the G.T. R. to provide protection at and near the subway where the highway leading northerly from York street passes under the Toronto branch of the G.T.R. at Burlington Heights near the northern city limits. File 9437-981.

If city desires anything done it is to submit plans to the railway company. Railway company to put in a galvanized iron floor to prevent oil and water from dropping on people. City to take matter up with railway company.

4121. Petition of W. O. Sealey and others, residents and property owners in the vicinity of Hunter street, Hamilton, Ont., re railway traffic on Hunter street, and

## SESSIONAL PAPER No. 20c

asking that the level crossings along Hunter street should be abolished by depressing and covering the railway tracks of the Toronto, Hamilton and Buffalo Ry. Co. File 20161.

Hearing adjourned *sine die*. Parties and engineers to get together with a view of seeing how near they can come to an arrangement.

4122. Application of the city of Hamilton, Ont., under sections 247 and 248, for an order directing the C.P.R. Telegraph Co. to move its wires from portions of King and James streets, Hamilton, Ont. File 19724.

Order made that when the city of Hamilton has provided underground conduits in accordance with plans prepared by the city and approved by the board's electrical engineer, the companies named shall remove their poles, wires and lines from the portions of streets in the city of Hamilton, set out in the order. The question of apportionment of cost of said work reserved. See order No. 19238.

4123. Application of the city of Hamilton, Ont., under sections 247 and 248 of the Railway Act, for an order directing the Bell Telephone Company to remove the wires from portions of streets in Hamilton as follows: York, Market, King, Main, Jackson, Catherine, Bowen, John, Hughson, James, McNab and Bay streets. File No. 19725.

Order made that when the city of Hamilton has provided underground conduits, the wires of the Great North Western and Canadian Pacific Telegraph Companies shall be carried in said conduits, and the companies shall remove their poles, wires and lines from the streets as set out in the order. See order 19238.

4124. Application of the city of Hamilton under sections 247 and 248, for an order directing the G.N.W. Telegraph Co. to remove its poles, wires and cables from the following portions of streets in the city of Hamilton, Ont.: King street from Sophia street to Wentworth street; Main street from McNab street to Catherine street; James street from Main street to Stuart street, Merrick street from James street to York street. File No. 19723.

Order made that when the city of Hamilton has provided underground conduits, the wires of the Great North Western and Canadian Pacific Telegraph Companies shall be carried in said conduits; and the companies shall remove their poles, wires and lines from the streets as set out in the order. See order No. 19238.

4125. Application of the city of Hamilton for an order directing the Hamilton Electric Light and Cataract Power Co., Ltd., and the Hamilton Cataract Power, Light and Traction Co., Ltd., to remove their poles, wires and cables from portions of certain streets in the city of Hamilton as set out in the application. File 19730.

Order made that when the city of Hamilton has provided underground conduits, the wires of the Great North Western and Canadian Pacific Telegraph Companies shall be carried in said conduits, and the companies shall remove their poles, wires and lines from the streets as set out in the order. See order No. 19238.

4126. In the matter of the application of the T. H. & B. Railway Co. for an order under sections 221, 222, 223, of the Railway Act, authorizing the company to construct and operate two branch lines in the city of Hamilton to and into the lands of the Steel Company of Canada, Ltd. File No. 22050.

Order made granting the application.

4127. Consideration of the question of protection at the level crossing of the C.P.R. at Stewart street, Peterboro, Ont. File 9437-625.

Board decided that no order was necessary, Canadian Pacific Railway Co. undertaking to keep its cars back 50 feet from the street.

4128. Application of the G.B. & S. Ry. Co. (C.P.R.) under section 237, for authority to construct its main line track across St. Patrick and Dermot streets at mileage 72-21 in lot 23, concession 6, township of Ops, in the county of Victoria, Ontario, to close a portion of St. Patrick street and also a portion of Dermot street, and to replace same by a road diversion, the said road diversion to be crossed by the said tracks of the G.B. & S. Ry. (Rehearing.) File 2100-102.

Order made appointing the judge of the County Court of the County of Victoria, arbitrator to determine the compensation to be paid Mr. Fee for damages sustained by reason of the diversion. See order No. 19288.

4129. Application of the C.L.O. & W. Railway under section 237.

(1) To divert the present highway between lots 8 and 9, concession B, township of Hamilton, Ontario, the proposed diversion to adjoin the railway on its south side, the portion of the present highway which is closed by the railway at mileage 117.51 to be closed at the point of crossing, and where it is replaced by the said highway diversion.

(2) To construct its line of railway at mileage 117.62 (from Glen Tay) across the Cobourg and Grafton road, known also as the Kingston road, between concessions A and B, township of Hamilton. (Adjourned hearing.) File 3701-44.

Order made authorizing the applicant company to divert the highway between lots 8 and 9, concession B, township of Hamilton, and to cross the Cobourg and Grafton Road by means of a subway, \$5,000 to be paid out of the Railway Grade Crossing Fund, the balance to be paid, 10 per cent by the Cobourg and Grafton Road Company, 10 per cent by the United Counties of Northumberland and Durham, 5 per cent by the township of Hamilton, 5 per cent by the township of Haldimand, and 70 per cent by the G.T.R. Co. See order 20228. Work to be completed by 14th August, 1914. NOTE.—The C.L.O. & W. and the G.T.R. have appealed to Governor in Council from this order.

4130. Complaint of the town and Board of Trade of Milverton, Ont., relative to alleged dangerous crossing of the G.T.R. at Mill street, Milverton, Ont. File 9437-982.

Order made directing the applicant company to install an electric bell at said crossing by the 1st December, 1913.

4131. Complaint of the town and Board of Trade of Milverton, Ont., relative to alleged dangerous crossing of the C.P.R. at Main street in the town of Milverton, Ont. File 9437-983.

C.P.R. Co. ordered to install an electric bell at the crossing by the 19th October, 1913, and maintain the same at its own expense, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance by the railway company. See order No. 20140.

4132. Application of the C.L.O. & W. Ry. Co., under section 253 for an order approving the location of its station building known as Brighton at Mile 97.1 (2) for an order under section 167, approving the change or alteration in its location approved by orders of the board Nos. 16235 and 16912, so as to include extra lands required for station grounds. File 3701-270.

Order made approving location of the railway company's station at Brighton providing that if traffic on the highway is blocked for more than five minutes at one time by reason of the location, the board may re-locate the station. See order 20331.

4133. Application of the G.T.R. under sections 256 and 257 for an order directing the C.P.R. at its expense, to reconstruct and thereafter maintain in a good and proper condition of repair, between mile 12.23 and 13.13, the C.P.R. crossing the applicant company's railway over the C.P.R. Company's railway (formerly the Ontario & Quebec Ry.) at a point 0.84 miles north of Myrtle, Ont. File 1750-34.

Order made directing the Canadian Pacific Railway Company to construct a bridge carrying the applicant railway over its line at the point in question. Canadian Pacific Company given leave to make application to the Supreme Court on the question of cost of work. See order No. 19298. See also judgment of Chief Commissioner dated June 13, 1913, and of Commissioner McLean dissenting therefrom.

4134. Complaint of John Pearse, of Cedar Grove, Ont., relative to alleged dangerous crossing of the C.L.O. & W. Ry., on his farm on the south half of lot 4, concession 4, township of Scarborough, Ontario. (Adjourned hearing.) File 3701-81.



## SESSIONAL PAPER No. 20c

Order made directing the railway company to construct an overhead crossing on the applicant's farm. Work to be completed by the 23rd October, 1913.

4135. Application of the G.T.R. under section 178 for authority to expropriate certain lands, being part of lot 3, concession 7, township of Innisfil, county of Simcoe, Ontario, said lands being required for the purpose of diverting highway in the neighbourhood of Thornton station, in accordance with order of the board No. 17708. (Adjourned hearing.) File 9437-852.

Operation of previous order stayed. Nothing therefore, need be done with the present application.

4136. Application of the G.T.R. under sections 167 and 237, for an order:

(1) Approving plan, profile, and book of reference showing proposed deviation of main line and passing track of its Midland to Port Hope line, 8th district, Northern Division, as already constructed, between Ontario street and a point near Nicholson's file works, Port Hope, Ont.

(2) For authority to construct said main line and passing track across Barrett street, Port Hope.

(3) Approving the deviation of its present coal siding, Port Hope, Ont.

(4) Authorizing it to construct new freight siding track across Barrett street at grade west of the Midland to Port Hope tracks, as they will appear when diverted. File 3675-3.

Order made granting the application subject to the terms set forth in the order. See order No. 19251.

4137. Consideration of the matter of protection at the crossing of the Père Marquette Railroad one and three-quarter miles west of Kingsville station, Ont. File 9437-529.

Order made directing the Père Marquette Railway Company to install by the 25th September, 1913, an automatic electric bell at crossing, 10 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the remainder to be paid by the railway company. See order No. 19907.

4138. Consideration of the question of protection at the crossing of the G.T.R. and C.P.R. at King street in the village of Weston, Ont. File 9437-985.

Order made protecting King and John streets in the village of Weston, by two sets of gates to be operated day and night. Cost of installation to be borne: one-fifth of the cost of each set of gates to be paid out of the Railway Grade Crossing Fund, one-third of the remainder to be paid by the village of Weston, the Grand Trunk and Canadian Pacific Railway Companies. Cost of maintenance to be borne: one-third each by the village of Weston, Grand Trunk and Canadian Pacific Railway Companies. See order No. 19232.

4139. Application of the town of Cobourg, Ont., for an order requiring the Grand Trunk Railway Co. to grant access to the harbour or dock located on the town esplanade, owned by the said corporation, and connected with the G.T.R. main line, the said access having been refused. File 6713-41.

No order made.

4140. Application of the Toronto and York Radial Railway Co. for an order directing the Corporation of the city of Toronto and the G.T.R. or one of them, to pay expenses connected with the watchmen at Sunnyside Grade, Mimico, Ont. File 588-29.

Order made that the wages of the watchman appointed by order of the Ontario Railway and Municipal Board at Sunnyside crossing, be paid one-third by the city of Toronto, one-third by the G.T.R. Co., and one-third by the Toronto and York Radial Railway. Balance of the application refused. See order 19237.

4141. Application, C.N.O. Railway under section 167, for sanction and approval of revised location of its line of railway through the townships of York and Etobicoke



5 GEORGE V., A. 1915

and part of the city of Toronto, in the county of York. Mileage 4.22 to mileage 7.13. File 12021-122.

Stands. Parties to submit statements of estimate of cost mentioned.

4142. Application of the C.N.O. Railway, under section 159, for approval of location of proposed entrance to the city of Toronto, township of York, mileage 251.84 to mileage 254.3 from Ottawa, Ont. File 3878-453.

Order made approving the location of the applicant company's proposed entrance to the city of Toronto, detail plans of the crossing of the C.P.R. and over Winchester street to be submitted for the approval of the board's engineer. See order No. 22168.

4143. Application of the C.N.O.R., under sections 227 and 237, for authority to construct its line of railway across Davenport road in the city of Toronto, Ont., and to cross the tracks of the Toronto Suburban Railway Co. by means of an overhead structure. File 12021-86.

No order made. City's engineer to see where the piers are to be placed.

4144. Application of the C.N.O. Railway under section 159 for approval of location of its line of railway through part of the city of Toronto, Ont., and townships of York and Etobicoke, mile 0 to 10.97 from Yonge street, Toronto, including original approval of mileage between the west side of Dovercourt road and mileage 4 on the west side of Keele street and under section 167, the approval of the revised location from Scarlett road to mileage 7. File 12021-102.

Matter stands, the parties to submit statements of estimate of cost mentioned at the hearing.

4145. Application of the corporation of the city of Toronto, Ont., under sections 237 and 238 for an order directing the C.P.R. Company to provide protection at the crossing of the tracks of said company at Osler ave., city of Toronto, Ont., by the installation of gates and watchmen to be operated night and day. File 9437-714.

Order made directing that the crossing be protected by gates to be operated day and night; work to be done by the railway company, and completed by July 10, 1913; 20 per cent of cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance to be paid, one-half by city of Toronto and one-half by G.T.R. See order 19229.

4146. Complaint of A. E. Nichols, of Fergus, Ont., against the rate of \$1 per ton charged by the G.T.R. Co., locally, on coal from Guelph to Fergus.

NOTE.—The railway company will be required to speak to the apparent discrimination in excluding points west of Belleville from the operation of the special mileage tariff on coal east thereof. File 21812.

Mr. Hayes stated that a reduction would be made to take effect the 5th May, 1913. If this is done no order need issue.

4147. Application of the Dominion Sugar Co., of Wallaceburg, Ont., for an order requiring the Père Marquette R. R. and C. W. & L. E. Railway Companies jointly with the G.T.R. and C.P.R. Companies to place their commodity rates on sugar in carloads, on a mileage parity with those from Montreal to the same points, by reducing the rate to Hamilton to 8 cents, and to Toronto to 9 cents per 100 pounds. File 21732. G.T.R.-C.R.C. No. E. 2644; C.W. & L.E.-C.R.C. No. 260; P.M.R.R.-C.R.C. No. 1265; C.P.R.-C.R.C. No. 2492.

Order made that the joint commodity rates of the Chatham, Wallaceburg and Lake Erie Railway Co. and the Père Marquette Railway in connection with the Grand Trunk railway and the Canadian Pacific Railway Companies for carriage of sugar in carloads from Wallaceburg, Ont., to Hamilton, be reduced to 10½ cents per 100 pounds, and 11½ cents per 100 on a minimum weight of 40,000 per carload, reduced rates to be made effective not later than 25th May, 1914. See order No. 21781.

4148. Application of the city of London, Ont., for an order requiring the G.T.R.,

## SESSIONAL PAPER No. 20c

C.P.R., P.M.R.R., and M.C.R.R. Companies to include in their cartage area at London a "newly annexed portion, known as Ward Five." File 18663-18.

Order made fixing the express limits. See order No. 19539.

4149. Complaint of the Fonthill Gravel Company, Ltd., of Thorold, Ont., against the increase in rate on sand and gravel from Fonthill to Thorold to St. Catharines, Ont. (Hearing adjourned.) File 18265-1.

Complaint withdrawn.

4150. Complaint of the Fonthill Gravel Company, Ltd., of Toronto, Ont., against the N. St. C. & T. Ry. and G.T.R. Companies, for discrimination in favour of competitors and for not supplying sufficient cars for the forwarding and delivering of their traffic from their works at Fonthill, Ont. File 18265-2.

Complaint withdrawn.

4151. Application of the Fonthill Gravel Company, Ltd., of Toronto, Ont., for an order reducing the rates from Fonthill to Toronto on moulding sand, over the lines of the N. St. C. & T. Ry. and the G.T.R. Companies. File 18265-3.

Order made dismissing the application.

4152. Complaint of the Fonthill Gravel Company, Ltd., of Thorold, Ont., respecting rates on sand and gravel from Fonthill, Ont., to Merriton, Welland, Toronto, Port Robinson, Thorold and points on the lines of the G.T.R., T. H. & B. Ry., and the N. St. C. & T. Ry. File 18265-4.

Stands to enable the parties to arrange settlement.

4153. Complaint of the Board of Trade of Toronto, Ont., against the increase in the switching rates on building sand within Toronto terminals, also increase in rates on building sand from Cooksville, Ont., to Toronto; also against the increased rates for local switching within Toronto terminals as published by the C.P.R., G.T.R., and C.N.R. File 21700.

Judgment reserved. Order issued suspending increases in switching rates on sand, gravel and brick, pending the determination of the matter by the board. See order 21329.

4154. Application Bell Telephone Company for an order rescinding order No. 14184, in so far as it affects the Ingersoll Telephone Company, Ltd., the Blenheim and South Kent Telephone Company, Ltd., the People's Telephone Company, Ltd., of Forest, the South Lambton Telephone Co-operative Association, Ltd., the Markham and Pickering Telephone Company, the Niagara District Telephone Company, Ltd., the Municipal Corporation of the Village of Brussels, being the initiating municipality of the Brussels, Morris and Grey Municipal Telephone System, and the Wheatley Telephone Company, Ltd.

Application of the Markham and Pickering Telephone Company, Ltd., and other companies to have the order of the board No. 14184, varied. File 16171, part 3.

Order made approving the general form of contract to be entered into between the Bell Telephone Co. and the applicant company. See general order No. 114.

4155. Application Forwarders Limited, of Kingston, Ont., for a siding turning out from the line of the G.T.R. crossing William street and connecting with the elevators of the applicant company at Kingston, Ont. File 21739.

Approval of plan refused. City of Kingston to take up with the Grand Trunk the question of serving the milling industry. Stands to see if a proper solution cannot be arrived at.

4156. Consideration of the matter of protection at the crossing of the G.T.R. at King street, Cobourg, Ont.

NOTE.—The question to be considered is the matter of the cost of maintaining a flagman. File 14210.

Order made for a flagman; 80 per cent of his wages to be paid by the railway company and 20 per cent by the town.

5 GEORGE V., A. 1915

4157. Petition of J. A. Lane, M. E. Gilbert, H. E. Stinson, and about sixty other commercial men relative to the train service of the Bay of Quinte Railway. File 21660.

Matter referred to the board's Operating Department to investigate and report upon.

4158. Complaint of W. J. Paul, M.P., Ottawa, Ont., respecting alleged unsatisfactory mail service along the line of the Bay of Quinte Railway between Napanee and Tamworth, Ont. File 21525.

Order made requiring the C.N.O.R. to restore the former connection with Napanee and directing that when the G.T.R. train is late the C.N.O.R. is to hold its train fifteen minutes for connection. Change to go into effect on or before 1st September, 1913. See order 20133.

4159. Application of the C.L.O. & W. Ry. Co. for approval of plan showing general layout of bridge No. 76-85 over Moira river. File 3701-245.

Order made granting the application. See order No. 19964.

4160. Application of the C.L.O. & W. Ry. Co. under section 237, for authority to construct across the Kingston Road in the west half of lot 13, concession 1, township of Thurlow, Ontario, at mileage 74-70 from Glen Tay, Ont. File 3701-236.

Order made for construction. The question of protection reserved. The Reeve of the municipality to file statistics as to traffic.

4161. Application, C.L.O. & W. Ry. under section 237, for authority to construct by means of grade crossings the tracks of its main line across certain streets in the city of Belleville, Ont., and to close up within the limits of the right of way certain streets in the city of Belleville. Mile 75-93 to mile 77-76. File 3701-292.

Order made granting the application. See order 19962.

4162. Application of the C.L.O. & W. Ry. Co., under sections 167, 159 and 176, for authority (1) to revise present location (approved under Order No. 15289) from mile 75-45 at the western boundary of road allowance between lots 9 and 10. Broken Front concession, township of Thurlow, Ontario, thence across said township, and across the city of Belleville to mile 77-75. (from Glen Tay); (2) to locate its railway from mile 77-75 to mile 79-5 a point on the western boundary of the east half lot 31, concession 1, township of Sidney, Ontario; (3) to take possession of certain right of way and tracks of the C.N.O. Ry. from mile 76 to mile 79-4. File 3701-290.

Order made granting the application. See order 19651.

4163. Petition of ratepayers of the city of Belleville, Ont., respecting the location of the C.L.O. & W. Ry. Co. through the city of Belleville, Ont. File 3701-29.

Order made approving of the revised location of the company's line and authorizing the city of Belleville to lay a water pipe under the tracks of the C.N.R. at the foot of Mary street; balance of the application on behalf of the city of Belleville, refused. See order 20609.

4164. Application of the corporation of the city of Belleville, Ont., and the Graham Co., Ltd., of the same city, for interswitching facilities between the Grand Trunk and Canadian Northern Ontario Railways at Belleville. File 6713-30.

Order made directing the Canadian Northern Ontario and the Grand Trunk Railway Companies to provide interswitching facilities, and by the 17th June, 1913, to file plans of proposed connection and interchange tracks. Proportionment of cost reserved. See order No. 19481.

4165. Complaint of H. L. Ketcheson, Belleville, *re* C.P.R. blocking up water-courses and refusing to furnish cattle pass on lots 27 and 28, township of Sydney, Ont.

Question of drainage to be attended to by the railway companies at once. Culverts to be cleared within forty-eight hours.

4166. Application of John Fletcher, lot 2, concession 7, township of Ross, for an order directing the C.N.O. Ry. to provide cattle pass on his property. File 3561-137.

Order made directing cattle pass to be constructed.



## SESSIONAL PAPER No. 20c

4167. Application of John Wilson, south half lot 1, concession 7, township of Ross, for an order directing the C.N.O. Ry. to provide cattle pass on his property. File 3561-138.

Order made directing cattle pass to be constructed.

4168. Application of the C.N.O. Ry. Co. under section 252, for authority to construct a farm crossing for J. J. Stinson at Station 667-80, and a farm crossing for Robert Moore at station 668-10 in lots 11 and 12, concession 2, township of Nepean, Ont. File Nos. 3561-126 and 3561-134.

Order made authorizing the applicant company to construct under crossings on the farms of Messrs. Stinson and Moore. See order 19503.

4169. Application of township of March, Ontario, that the Board re-open order No. 17199, approving of the highway crossing between concessions 3 and 4, in said township, on the line of the C.N.O. Ry. File 3561-99.

Order as issued stands. Present application refused.

4170. Application city of Fort William, Ont., under sections 227 and 229, for an order permitting the crossing by the city with its electric street railway on the level over the railway of the C.N.R. at the intersection of Victoria and Vickers streets, also at intersection of Franklin street, Fort William, Ont.

NOTE.—Terms of draft order to be spoken to. File 21135.

Order made granting the application, subject to the conditions set forth in the order. See order No. 19319.

4171. Application of the C.N.Q.R., under section 227, for authority to cross jointly with the lines and tracks of the Lachine Jacques Cartier and Maisonneuve Ry. under the lines and tracks of the C.P.R. near Jacques Cartier Junction, Que.

NOTE.—The details of the bridge are to be considered. File 2345-75.

Application dismissed. Plans approved.

4172. Application of the C.N.R. Co., under section 364, for an Order recommending for the sanction of the Governor in Council an agreement dated April 30, 1912, between the C.N.R. Co. and His Majesty the King for the running of trains of the Midland Railway Co. of Manitoba over the tracks of the other parties at Winnipeg, Man.

NOTE.—The board will consider the question of requiring the G.N. Ry. Co. and the Northern Pacific Ry. Co. to carry passengers to, from and between points at which their trains stop between Emerson and Winnipeg, and to issue regular tickets to and from such points. File 19399, part 2.

Improved service to be furnished by the railway company.

4173. Application C.L.O. & W. Ry., under section 237, for authority to construct its line of railway across highways between lots 10 and 11 and lots 20 and 21, Broken Front concession, township of Clarke, mileage 137-13 and mileage 139-93 from Glen Tay.

NOTE.—The board will consider the question of the contribution to the cost of this work on the part of the G.T.R. as reserved by order No. 18928, dated 27th March, 1913. Files 3701-130 and 3701-131.

Order made settling the terms of contribution.

4174. Application C.P.R. Co., under section 227, for authority to construct its Forsyth branch across the tracks of the Montreal Tramways Co. on Lasalle, Pie X, and Aird streets, in the town of Maisonneuve, Montreal, Que. File 17716-4.

Order made providing for headroom 15 feet 6 inches, and a 5 per cent grade.

4175. Application C.P.R. for authority to divert Souigny avenue, Montreal, Que. File 17716-2.

Board will settle terms of the order.

4176. Application of G.T.R., under section 178, for authority to expropriate a part of lot 190 in the parish of St. Agapit, county of Lotbiniere, Que., said lands



being the property of Mr C. Dutil, and being required for additional station facilities at St. Agapit, Que. File 14868-1.

Order made granting the application.

4177. Application Toronto Suburban Railway Co. to construct across C.P.R. in township of York, Ontario, by undercrossing. (Adjourned hearing.) File 21563.

Order made for undercrossing. Connection applied for refused.

4178. Application of the G.T.P. Ry., under section 258, for approval of its station site and station at Prince George, mile 467.3, Prince Rupert East, in Indian Reserve No. 1, range 4, Cariboo district, British Columbia. (Rehearing.) File 21418.

Order made directing the Grand Trunk Pacific Railway Co. to erect a station 3,000 feet east of the eastern boundary of Fort George townsite. Order No. 18902, dated March 20, 1913, rescinded. See order No. 19437.

4179. Application G.T.R. for authority to expropriate certain lands required in connection with new freight shed and railway tracks at Pembroke, Ont. File 21924.

Order made granting the application.

4180. Application of the G.T.P., under section 258, for approval of proposed station site and station at Fort Fraser, mile 572, Prince Rupert East, and the north-west quarter of section 22-13-15, Coast District, British Columbia. File 18970.

Order made.

4181. Consideration of the matter of yard-limit boards in connection with all railway companies subject to the board's jurisdiction. File 4135, part 4.

Special Rule "F" to be cancelled so far as it relates to western lines. Rule "E" so far as it affects eastern lines to be referred to the board's chief operating officer.

4182. *Re Embargoes.* Consideration of the matter of amending general order No. 95, dated November 2, 1912, so as to require all railway companies subject to its jurisdiction to file with the board copies of all notices dealing with the diversion of or restriction on traffic. File 19801-40.

No order made.

4183. Complaint of Dr. J. Holdcroft, of Havelock, Ont., respecting train service of Central Ontario Railway. File 21041.

Order made providing for adequate train service. See order No. 19684.

4184. Application of Fruit Growers' Association, of Ontario, *re* concentration of storage points and reshipments of fruit.

NOTE.—Railway companies may speak to the question whether it was within the jurisdiction of the board to give the direction contained in clause 2 of order 18825. File 19666.

Order made granting leave to appeal to the Supreme Court of Canada on the question of jurisdiction.

4185. Application municipality of Fort Garry, Winnipeg, Man., in connection with matter of subways occasioned by the C.N.R. cut-off, Winnipeg, Man. File 20311-1.

Order made dismissing the application.

4186. Application C.P.R. under section 246, for an order authorizing it to construct its new trackage in railway yard, North Transcona, across the city to Winnipeg's transmission line in lot 58, Kildonan, Man. File 1477-6.

Order made granting the application. See order No. 19595.

4187. Application C.P.R., under sections 227 and 237, for authority to construct the tracks of its Bergen northeasterly branch across the highway known as the west Kildonan road, and also across the tracks of the Winnipeg Electric Railway Company in the municipality of Kildonan, Man. File 20444-1.

Order made directing the C.P.R. Co., to construct subways at Scotia, Parkside, and Main streets, and Kildonan road in the municipality of Kildonan, Man., as shown on plan subject to the terms and conditions of an agreement dated May 29, 1913, filed.

## SESSIONAL PAPER No. 20c

Applicant company to bear and pay cost of construction of subways. See order No. 20030.

4188. Application C.P.R., under sections 227 and 237, for an order authorizing it to construct temporary track on its Bergen northeasterly branch across the East Kildonan road and also across the tracks of the Winnipeg Street Railway Co., already constructed along said road where it crosses lot 58, of the parish of Kildonan, province of Manitoba. File 20444-3.

No order necessary.

4189. Consideration of the matter of protection at first crossing east of station building, Government road allowance, at Herbert, Sask., on the Swift Current subdivision of the C.P.R. File 9437-978.

Orders made directing the railway company to move to the west of the Government road allowance all portions of its tracks on the south side of main line, also directing that no cars be left standing closer than 450 feet from the said road allowance, also that the company erect sign posts showing clearance at the point mentioned, also directing that the cattle pens leading to platform Royal Elevator building be moved to a different point at west end of yard, and certain other directions. Order No. 18613 rescinded. See order 19500.

4190. Application of C.P.R. for an order relieving the company from maintaining a watchman at crossing west of station building at Grenfell, Sask., known as Anderson street crossing, ordered by order of the board, No. 18705, dated February 14, 1913. File 9437-979.

Order made amending order No. 18705, dated February 14, 1913, but provided that the cost of maintenance of watchmen employed be divided equally between the company and the municipality. See order No. 20018.

4191. In the matter of the complaint of the Regina Board of Trade that the tariffs of the Canadian Northern and Canadian Pacific Railway Companies do not carry out the provisions of order of the board No. 12520, dated December 10, 1910. File 12682 Part 2.

No order made. Matter stands to be dealt with in connection with the Western Rates Case.

4192. Application, Express Traffic Association of Canada, on behalf of the express companies represented at Portage la Prairie, Man., for approval of delivery limits.

Order made fixing the limits for collection and delivery of express by express companies as set forth in the order, and rescinding order. See order 19709.

4193. Application Boards of Trade of Fort William and Port Arthur for the discontinuance of the practice of railway companies giving free storage at those points to traffic from the east. File 18508.

Judgment reserved. Applicants to file tariffs for storage which they consider reasonable.

4194. Complaint of landowners and residents of White Rock, B.C., relative to G.N.R. Co. failing to provide facilities for the public to get to the waters of Semiahoe bay, about three and one-half miles north of the international boundary line, more particularly in section 10, township 1, New Westminster district. File 20178.

Order made directing the G.N.R. Co. to construct a pedestrian subway 8 feet in width by  $7\frac{1}{2}$  feet in height at the foot of Subway avenue. Also directing the company by June 19 to file detail plans of the subway and to construct same within three months after the approval of plans. Cost of construction to be paid, one-half by the G.N.R. Co. and one-half by the municipality of Surrey.

4195. Application C.P.R. for approval of portion of location of its Port Moody and North Shore branch from a point in lot 256 to lot 555, district of New Westminster, B.C. File 13477-1.

Order made approving the location of the applicant company's Port Moody and North Shore branch, work to be completed by July 28, 1913. See order 19814.

5 GEORGE V., A. 1915

4196. Application. Municipal Council of city of Victoria, B.C., for an order directing the E. & N. Ry. Co. to construct and install a steel span girder bridge upon and over Hereward road, a public highway within the city of Victoria, in place of present existing trestle bridge over said street and to re-grade said highway. File 21858.

Order made directing the Esquimalt and Nanaimo Railway Co. to construct a bridge over Hereward road: the work to be done by the 7th December, 1913, the plans of proposed bridge to be submitted to the Board for approval; the cost of construction to be apportioned as follows: 20 per cent to be paid out of the Railway Grade Crossing Fund, and of the balance, one-third by the railway company and two-thirds by the city of Victoria. See order 19513.

4197. Application V.V. & E. Railway and Navigation Co., under sections 175, 180 and 237, for authority to expropriate certain lands in the New Westminster district, part of the lands being required for the purpose of diverting the Gunn road and Brunette road, and part for the purpose of providing an overhead crossing over the tracks of said railway company at the north road; also for an order closing portions of the Gunn road and Brunette road. File 572-33.

Order made granting the application subject to the conditions set forth in the order. See order No. 19928.

4198. Application V.V. & E. Railway and Navigation Co., under section 227, for leave to join their railway with the line of the Canadian Northern Pacific Railway Company near Sumas landing, district of New Westminster, and for the crossing of the Green road, on lot 277, township 23, district of New Westminster, British Columbia. File 572-31.

Struck off the list, with leave to renew.

4199. Application of city of Vancouver, B.C., for an order directing the V.V. & E. Railway and Navigation Co. to provide and construct a permanent and sufficient steel bridge over its cutting where the same intersects Broadway in the city of Vancouver, B.C. File 20063.

Struck off the list.

4200. Complaint British Columbia Sugar Refining Co., of Vancouver, B.C., relative to alleged discrimination by Canadian railways in rates on sugar in favour of eastern refineries to points in western provinces.

NOTE.—Board will hear such further representations as parties may desire to make. File 19700.

Stands. The applicant company to file particulars of its trade, showing reductions it has made in order to compete with Montreal refineries.

4201. Application of Canadian Freight Association for a ruling of the board as to the proper allowance to be made from track scale weights on various commodities. File 8799-1. Judgment reserved.

4202. Application Burrard Inlet Tunnel and Bridge Company for approval of the location of their railway from station 0-00 to 266.44. File 15732.

Struck off the list, with liberty to renew application if desired.

4203. Application, Burrard Inlet and Tunnel & Bridge Company for approval of the location of their railway from station 0-00 to station 130-03.6 on the south side of Burrard Inlet and for the approval of the location on the north side of Burrard inlet, from station 148026 to station 174-88.7.

Order to go as soon as evidence filed of the proper formation of the Burrard Tunnel and Bridge Co.

4204. Application, Burrard Inlet Tunnel and Bridge Company, for approval of location plan of their line of railway from a point on Railway avenue on the north side of Second Narrows, Burrard inlet, station 0, thence through city of Vancouver,



## SESSIONAL PAPER No. 20c

thence by tunnel under the First Narrows, Burrard inlet, to a point on Georgia street, Vancouver, B.C., Station 345 x 43-4. File 15732-2.

Struck off the list, with leave to renew.

4205. Application, Burrard Inlet Tunnel and Bridge Company, for approval of location of their line of railway from a point on Railway avenue on north side of the Second Narrows, Burrard inlet, thence in an easterly direction and northerly direction to a point on Deep Cove, station 4 to 56-3 to station 324 to 32. File 15732-3.

If the C.P.R. Co. proceeds with its work, the formal order in this case is to be rescinded.

4206. Application of the C.P.R. Co. under sections 29 and 258, of the Railway Act to review order No. 19783, dated 13th December, 1912, and for approval of the location of its station at Coquitlam, B.C. File 20750.

No order made. No further action being deemed necessary until the C.P.R. Co. makes a further application.

4207. Application of the city of Vancouver, B.C., *re* subway at Columbia avenue. File 9437-343.

Referred to board's chief engineer to report, as to the pedestrian subway. City of Vancouver to file by the 19th of June, detail plans for the approval of an engineer of the board. The work to be constructed within 4 months of approval of the detail plans.

4208. Complaint of Wm. Neilson, of Fruitvale, B.C., that passengers are unable to obtain return tickets from conductors on trains from Fruitvale to Rossland. File 20855.

No order made. Company stated that instructions had been given to its conductors to issue return tickets to Rossland.

4209. Application of the G.T.P. Ry. Co., under section 258, for approval of station site and station at Tyee, mile 26-5, Prince Rupert East, lot 27, range 5, Coast district, B.C. File 21417.

Order made that order 18592, dated January 29, 1913, be amended by striking out the words "until the opening of navigation."

Railway company directed to stop its trains at Haysport until further order of the board.

4210. Application of the C.P.R. Co., under sections 221 and 222 of the Railway Act, to construct spurs to the property of John Coughlan & Sons, South False creek, D.L. 200A, of Vancouver, province of British Columbia, for authority to construct and operate said spurs.

Order made granting the application. Spurs to be constructed by the 19th August, 1913.

4211. Application of the C.P.R. Co., under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to be constructed to the property of the Call Switch Co., Ltd., in the city of Port Coquitlam, B.C.

Order made granting the application. Spur to be constructed by the 19th August, 1913.

4212. Application of the C.P.R. Company, under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to the city of Kamloops in the province of British Columbia.

Order made granting the application. Spur to be constructed by the 19th August, 1913.

4213. Application of the Canadian Pacific Railway Co., under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to the city of Kamloops in the Province of British Columbia.

Order made granting the application. Spur to be constructed by the 19th August, 1913.



4214. Application of the C.P.R. Co., under sections 221 and 222 of the Railway Act, for authority to construct and operate spur to Hastings Park, in the Province of British Columbia, for the Vancouver Exhibition Association. File No. 22369.

Order made directing the C.P.R. Co., to construct spur within three months from the 19th May, 1913. See order 19594.

4215. Complaint of W. N. Minthorne against the Canadian Pacific Ry. Co. regarding storage charges. File 22306.

Application refused.

4216. Application of the V. V. & E. R. & T. Co., under section 233 of the Railway Act for approval of the times, method, and manner of construction of bridges over the following streets in the city of Vancouver, namely, Eighth avenue, Broadway, formerly Ninth avenue, Victoria Drive, Clark Drive, Woodland Drive, Nanaimo street, Lakewood Drive, Garden Drive, Templeton Drive, Twelfth avenue, Semlin Drive, McLean Drive, Sixth avenue.

Order made granting the application subject to conditions set out in memo. of agreement dated April 17, 1913; detail plans of the bridge to be filed with the board for the approval of its engineer.

4217. Application of the V.V. & E.R. & T. Co., under sections 237 and 238 of the Railway Act, for an order permanently diverting those portions of George street and Burns street shown coloured green on the plans annexed to the agreement, by opening up the streets coloured red on the same plan.

Order made granting the application subject to the terms of the agreement between the applicant company and the city of Vancouver, dated April 7, 1913.

4218. Petition of the residents of Abbotsford, B.C., asking that Hazel street be opened up across the tracks of the Canadian Pacific Ry. and British Columbia Electric Ry. in order to relieve the congestion of traffic at Essendende avenue, in Abbotsford, B.C. File 17618.

Stands pending result of correspondence with the provincial authorities.

4219. Petition for an order regarding the removal of two railway gates and crossing by the Canadian Pacific Ry. Co., at a point 1,200 feet west of Agassiz station grounds. File No. 22441.

Petition refused.

4220. Application of Arthur C. Ray for authority to erect a bridge across the Canadian Pacific Railway right of way to connect lots 13, 14 and 15, block 1, district lot 184, Vancouver.

Stands until Harbour Commissioners are appointed.

4221. Application of the V.V. & E.R. & T. Co., for an order under section 222 of the Railway Act, permitting them to construct three industrial tracks from a point on their main line in block 82, district lot 264 A, in the city of Vancouver, westwardly to and connecting with the railway company's existing lines, opposite block 3, in district lot 200 A, in the city of Vancouver.

Order made on consent granting the application. Upon proper plan being filed showing in red the tracks to be laid and engineer's report approving same order to go approving plan.

4222. Complaint of E. M. Cottrel against the C.P.R. Company regarding discrimination in cartage charges. File 18663-66.

Company to file an answer in writing and send a copy to the complainant within ten days.

4223. Complaint of Dr. Underhill *re* disinfecting of railway coaches. Case 4502.

Complainant to file particulars of suggestions made and to furnish the railway companies with copies.

4224. Application of the British Columbia Fruit Growers' Association, asking that reductions in express rates be made effective from June 10, 1913, on fruit. File 4214. Case 1503.

Order made approving the new tariff when filed.

## SESSIONAL PAPER No. 20c

4225. Application of the Toronto Board of Trade of Toronto, Ont., under section 321, for reduction of the freight classification ratings on dried fruit. File 19367-8. Order made refusing the application.

4226. Application of Fruit Growers' Association of Ontario *re* concentration of storage points and reshipments of fruit.

NOTE.—Railway companies may speak to the question whether it was within the jurisdiction of the board to give the direction contained in clause 2 of order No. 18825. (Adjourned hearing.)

See judgment of Assistant Chief Commissioner, dated July 29, 1913, concurred in by Commissioner Mills, expressing the opinion of the board that an order should go permitting the railway companies to appeal to the Supreme Court, if they so desire, on the question as to whether the board had jurisdiction to deal with the matter as set out in paragraph 2 of order No. 18825.

4227. Application of the Ontario & Manitoba Flour Mills, Ltd., of Ottawa, for the privilege of milling western all-rail grain in transit at Sudbury, and reshipping the products to Eastern Canada points not already covered by milling in transit tariffs published and filed. File 21800.

Order made to C.P.R. Co., extending to the Ontario and Manitoba Flour Mills, Ltd., the privilege of milling all-rail grain at Sudbury, Ont., in transit from Port Arthur and Fort William and points west thereof at the through rate to all points east of Sudbury and the Detroit and St. Clair rivers, reached by millers west of Fort William under milling-in-transit arrangements, said arrangement to come into force not later than January 12, 1914. See order 21028.

4228. The Canadian Freight Association will be required to justify the regulation of the railway companies or some of them that their agents must not deliver part of a consignment if any one or more articles or packages may have been short received, without first obtaining from the consignee a receipt for the entire consignment covered by the bill of lading. File 21864.

No order made.

4229. Railway companies subject to the jurisdiction of the board will be required to show cause why paragraph 4 of section 4 of the prescribed bill of lading (order No. 7562) should not be made reciprocal, so as similarly to limit the time within which expense accounts for undercharges and the like may be presented by the railway companies to shippers or consignees for payment. File 21932.

No order made.

4230. Consideration of the question of such standardizing of charges made by railway companies for station storage of passengers' baggage that the tariff shall be uniform on all lines subject to the jurisdiction of the board.

NOTE.—Copies of complaint of H. H. McKeen, Lennard, Man., dated March 9, 1913, are attached hereto. File 21729.

No order made.

4231. Application of the town of Bowmanville, Ont., under section 237, for an order directing the C.L.O. & W. Co. to carry highways known as High, Elgin and Prospect streets over the said company's railway where same intersects said streets, by means of a suitable bridge. File 3701-178.

Order made as to Elgin and Prospect streets. The question of High street reserved for the next Toronto sittings of the board.

4232. Application of the G.T.R., under sections 222 and 237, for authority to construct branch line and spur therefrom commencing on Chaudière branch west of Division street, Ottawa, extending westerly across Rochester street at grade, and Mark street (unopened) into premises of J. G. Butterworth. File 22066.

Order made granting the application.

5 GEORGE V., A. 1915

4233. Application G.T.R., under section 222, for authority to construct a siding connecting the 32nd district with the 12th district of its railway at Scotia Junction, said branch being from a point on lot 18, concession 8, township of Perry, Ontario, thence extending across lot 17, concession 8, to a connection with the northern division of the G.T.R. on lot 16, concession 8, township of Perry.

Order made granting the application.

4234. Application of the G.T.R., under sections 222 and 237, for authority to construct a siding from a point on the 15th district of its railway, Stratford Division, north of Dundas street, London, Ont., thence extending across lots 24, 23 and 22 west of Nightingale ave., across Nightingale ave., and lot 3, east of Nightingale ave., to and into the premises of the McCormick Mfg. Co., Ltd., on lot 9, concession 1, township of London, Ontario (now in the city of London, Ont.) File 21906.

Order made granting the application.

4235. Application of the city of Lethbridge, Alta., under section 237, for authority to construct highway across the right of way of the C.P.R., by extending 21st south across said railway to First avenue north, Lethbridge, Alta. File 18918.

Order made granting the application. See order 19491.

4236. Complaint of United Farmers, of Alberta, and J. J. Mogridge, Hanna, Alta., relative to alleged damage to pastures, etc., on account of lack of proper fire guards on the line of the C.N.R. in the vicinity of Strathmore, Alta., and Hanna, Alta. File 4741-D-8-7.

No order made as work will be completed by June 10, 1913.

4237. Application of the G.T.P.B.L. Co., under section 237 for authority to construct its Tofield-Calgary branch across certain streets in sections 12, 13 and 14, township 24, range 1, west 5th meridian in the city of Calgary, Alta., mile 199.1 to 200.5. File 10821-83.

Order made granting the application subject to the terms of the by-law and agreement entered into with the city of Calgary. See order 20054.

4238. Application C.P.R. under section 29 for an order rescinding or varying order of the board No. 18771 so as to provide that the rates established under said such order shall be reasonable and non-discriminatory as between localities and shippers. (Re-hearing.) File 16177, part 2.

Case withdrawn.

4239. Application of the Canadian Manufacturers' Association and the Hamilton Board of Trade for an extension of the Canadian Car Service Rules so as to include what is known as the "average demurrage" plan. File 3775-3.

Judgment reserved.

4240. Application of the Canadian Freight Association for a ruling of the board as to the proper allowance to be made from track scale weights, on various commodities. File 8799-1.

Judgment reserved.

4241. Application of the Saskatchewan Land and Homesteading Co., under section 226, for an order directing the Calgary and Edmonton Ry. Co., to construct a branch line into the lands of the applicant company, being in section 21-39-27 W. 2 M. File 21219.

Board directed that the original order issued herein stand postponed until 15th July, 1913.

4242. Application of the city of Calgary for extensions to free express delivery limits in Calgary. File No. 4214-126.

Application refused.

4243. Petition of the residents and business men of East Calgary regarding removal of McHarg station by the C.P.R. Co. File 21814.

Railway Company directed to file an affidavit of reductions and the board's inspector to go over the books of the company.



## SESSIONAL PAPER No. 20c

4244. *Re* order No. 19075, giving authority to construct, maintain and operate a branch line of railway for the Northern Electric and Manufacturing Company, Ltd., city of Calgary. Application to stay execution of order under some arrangement arrived at between the property owners. File No. 21141.

No action taken.

4245. Application of S. J. Blair to stay execution of order No. 19075, dated 16th April, 1913, authorizing the C.P.R. Co. to construct a branch line for the Northern Electric Manufacturing Co., Ltd. File 21141.

C.P.R. undertook not to go on to the applicant's lands until some arrangement has been made.

4246. Application of the Board of Trade of Morinville, Alta., for a transfer track connecting the Edmonton, Dunvegan and British Columbia Railway with the Canadian Northern Railway, at Morinville, Alta. File 6713-40.

Application withdrawn.

4247. Application of the Massey-Harris Co., Ltd., Edmonton City Dairy, Ltd., McKnight and Frost; the Standard Plumbing and Heating Co., Ltd., and Andrew Lee, of Edmonton, Alta., under section 226, for an order directing either the C.N.R. Co. or the G.T.P. Co., to provide and construct a suitable spur track from their main line in the city of Edmonton, Alta., down and along the lane in block 6, Hudson's Bay Reserve, Edmonton, as far as Athabasca avenue. File 22140.

Order to issue in the terms of an agreement dated April 24, 1912, entered into by the Canadian Northern and Grand Trunk Pacific Railway Companies.

4248. Application of the C.N.R. under sections 222 and 227 and 237, for authority to construct a spur line of railway along the lane in block 6, Hudson's Bay Reserve, between Sixth and Seventh street, in the city of Edmonton, Alta., and to cross Columbia avenue, Vermilion avenue and the Edmonton Street Railway, with said spur. File 20918.

Order made authorizing the Canadian Northern Railway Co., to construct the spur in question. See order No. 20069.

4249. Application of the Edmonton Board of Trade, Edmonton, Alta., under sections 314 and 339 for an order directing the C.P.R., C.N.R. and G.T.P., to immediately issue and put into effect new freight tariffs on classes one to ten inclusive on goods shipped from Port Arthur and Fort William, Ont., to Edmonton, Alta.

NOTE.—This matter is set down to allow Edmonton Board of Trade to submit such new evidence as desired. File 14384.

Stands to be taken up with the Western Rates Case.

4250. Complaint, V. F. Neis, Lamerton, Alta., *re* alleged injustice of Grand Trunk Pacific for accepting free grant for siding and failing to supply station and start townsite at that point. File 19058.

No order made; company offered settlement.

4251. Application, Edmonton Board of Trade, Edmonton, Alta., for an order directing the C.P.R. to make a 45 cent rate from Coutts to Edmonton, Alta., on apples coming from the United States. File 22208.

Application withdrawn.

4252. Complaint of Edmonton Board of Trade, Edmonton, Alta., on behalf of sand and gravel users that the G.T.P. Ry. are overcharging in weights and that there are no adequate facilities for weighing; also *re* rates from Clover Bar.

Order made that the Grand Trunk Pacific Railway adjust the freight charges on sand received at Edmonton over the company's line since June 21, 1912, to the basis of 2,600 pounds per cubic yard, and that freight charges be collected on this basis until the company's track scale is drained and corrected, or removed and reinstalled not later in either case than 1st November, 1913. See order No. 19738.

5 GEORGE V., A. 1915

4253. Application of R. V. MacCosham, for an order directing the C.N.R. to construct a spur. File No. 22372.

Order to go in the usual terms.

4254. Application of the city of Edmonton for leave to cross at level with the line of the municipally-owned electric railway the G.T.P. Co's tracks where the same intersects 27th street between Armstrong and Cochrane avenues, city of Edmonton. File 20921.

Order made granting the application; crossing to be protected by half interlocking plant, cost of providing and maintaining the plant to be borne and paid, one-half by the applicant and one-half by the C.P.R. Co. See order 20793.

4255. Application of property owners in city of Calgary complaining that the railway company has torn down a bridge which was erected to provide access across the irrigation canal to the work shops so that workmen and others residing adjacent thereto would have a reasonable way of returning to and from their work. File 22373.

Application refused, the board holding that it had no jurisdiction.

4256. Complaint of rural municipality of Chester regarding incomplete accommodation of the C.N.R. crossings at main road leading to the village of Glenavon. File 524-1.

Order made directing the C.N.R. Co. to divert the east and west road allowance. The diverted portion to be made 66 feet in width. The municipality to grade road allowance immediately north of mileage 151. Work to be commenced at once and completed by the 31st July, 1913.

4257. Application of city of Edmonton for an order under section 237 of the Railway Act to carry Peace avenue over the line of the Edmonton, Yukon and Pacific Railway Co., by means of a level crossing. File 22443.

Order made granting the application. Applicant to file three copies of the plan showing the work to be done by the board.

4258. Application of the C.N.R. Co., for an order sanctioning the construction and operation of a branch line or "Y" through the southeast quarter of section 28, township 55, range 25, west 4th meridian.

Order made granting the application.

4259. Application city of Edmonton for leave to construct a highway crossing across the line of the C.N.R. at Shant street. File 22148.

Order made granting the application.

4260. Petition of residents and council of the town of Yorkton, Sask., for a subway under the tracks of the C.P.R. on line of Third avenue, Yorkton, Sask. File 21430.

Board directs that a day and night watchman be put on the crossing. One-half of his wages to be paid by the railway company and one-half by the town. Board's engineer to visit locus and report to the board. In the meantime no order to issue.

4261. Complaint of James Carr, Lakeview Farm, Viceroy, Sask., against the alleged action of the C.P.R. Co., employees in setting fire in the vicinity of southeast quarter-section 16-6-26, west 2nd meridian, Sask. File 1471-D-11.

No action taken.

4262. Application of the Dominion Express Company, for approval of free delivery limits proposed for Swift Current, Sask. File 4214-310.

Matter to stand until the applicant furnishes a copy of his representations in writing to the board, and to the express company.

4263. Consideration of the matter of protection at first crossing east of station building, Government road allowance, at Herbert, Sask., on the Swift Current subdivision of the C.P.R. File 9437-978.

Order made correcting errors in previous order.

## SESSIONAL PAPER No. 20c

4264. Application of C.P.R. for an order relieving the company from maintaining a watchman at crossing west of station building at Grenfell, Sask., known as Anderson street crossing, ordered by order of the board No. 18705, dated February 14, 1913. File 9437-979.

Order made amending order No. 18705, by providing that the cost of the maintenance of the watchman employed at the said crossing, be divided equally between the municipality and the railway company. See order 20018.

4265. Complaint of the rural municipality of Wellington No. 97, regarding the road diversion on northeast 8-10-13-2. File No. 10791-23.

Order made directing the G.T.P. Co. to open the crossing in question and to divert the highway between section 879. Order No. 15205 rescinded. See order 19976.

4266. Application of the village of Maryfield against the C.N.R. Co., and the C. P.R. Co., regarding drainage. File No. 22406.

Order made directing the railway companies to deepen the culverts under their tracks three feet as well as the ditches across their respective rights of way, the complainants, the C.N.R. and C.P.R. Companies, if called upon, to bear and pay one-third of the cost of lowering the culvert on the C.P.R. company's right-of-way. See order 19545.

4267. Application of the Board of Trade of Rosetown, Sask., for an order directing the construction of a transfer track between the line of the Canadian Pacific Railway Co., and the line of the C.N.R. Co. at Rosetown, Sask. File 6713-39.

Application for transfer track refused. Application to be considered as made by the Flax Decorticating Company for a spur under section 227. Board's engineer to prepare a plan showing where spur is to be placed and to submit same to the town and C.N.R.

4268. Application of the Board of Trade of Bladworth, Sask., for an order requiring the C.N.R. Company to make a properly graded road across their tracks at Third street, Bladworth, Sask. File No. 9437-1016.

Order made directing the C.N.R. Co., to move the crossing lying to the south of the south switch to a point 60 feet from the said south switch and grade a road from the said crossing to the loading platform. See order 19713.

4269. Application of Fred W. Green of Moosejaw, Sask., for an order directing the G.T.P. Ry. Co., to construct a cattle pass on his property section 8-17-27, Saskatchewan. File 16305-13.

Order made directing the railway company at its own expense, to construct a cattle pass. See order 19498.

4270. Application of the Dominion Townlots, Ltd., for a street crossing at Broadway over the line of the C.P.R., near the present farm crossing N.  $\frac{1}{2}$  17 and 19, west 2nd meridian, Sask. File 22207.

Application refused.

4271. Application of the city of Regina for authority to cross with its municipal street railway and Bulyea and Colonsay branch of the C.P.R. at the intersection of 4th avenue, immediately south of blocks 11 and 12, Eastview, Regina. File 22239.

Order made granting the application, crossing to be protected by half interlocking plant, providing, maintaining and operation to be borne one-half by the applicant and one-half by the C.P.R. See order 20612.

4272. Application of city of Regina for authority to cross with its municipal street railway the commercial spur of the C.P.R. where it crosses Winnipeg street at the intersection of Winnipeg street and Eighth avenue, Regina. File 22241.

Order made granting the application, subject to the condition that the cars of the applicant be brought to a full stop before passing the crossing. See order 19494.

4273. Application of city of Regina for authority to cross with its municipal street railway the Arcola branch of the C.P.R. over which the C.N.R. appears to have running rights, and also commercial spur of the C.P.R. to serve the Armour abattoir,



5 GEORGE V., A. 1915

all of which tracks cross Winnipeg street located between 9th and 10th avenues. File 22242.

Order made granting the application. Half interlocker to be installed with liberty to the C.P.R. Co. to put in an extra track if the company has the right to do so.

4274. Application of the city of Regina for authority to cross with its municipal street railway a commercial spur of the C.P.R. at rail level on north Railway street or Dewdney avenue, where said spur crosses said street in a westerly direction. File 22244.

Order made granting the application, subject to the condition that the cars of the applicant be brought to a full stop before passing over the crossing. See order 19495.

4275. Application of city of Regina for authority to cross with its municipal street railway the commercial spur of the C.P.R. at rail level on Dewdney street immediately west of Broad street. File 22245.

Order made granting the application, subject to the condition that the cars of the applicant be brought to a full stop before passing over the crossing. See order 19502.

4276. Application of city of Regina for authority to cross with its municipal street railway the railway of the C.N.R. Co., at rail level on Fourth avenue between McIntyre and Lorne streets, where it will be necessary to cross two commercial spurs of the company and the main line of the company running north and west, being the Regina-Saskatoon line of the company. File 22240.

Order made granting the application, subject to the condition set forth on the order, providing for the protection of the crossing by a half interlocking plant. See order 19506.

4277. Application of the city of Regina for authority to cross with its municipal street railway the railway of the C.N.R. Co. at rail level on Albert street north, where the company's line of railway intersects Albert street between Chicago and Washington avenues, by rail and half interlocking plant. File 22246.

Order made granting the application, providing for the protection of the crossing by a half interlocking plant. See order No. 19508.

4278. Application of the city of Regina for authority to cross with its municipal street railway the railway of the G.T.P.B.L. Co. at rail level at the intersection of Thirteenth avenue where the company's railway crosses said avenue between Ross and Allen streets by rail and a half interlocking plant, and for an order permitting the city in the future to double track its said railway at said crossing, and that an order directing the company to furnish and maintain at its expense the necessary diamond. File 22243.

Order made granting the application, providing for the protection of the crossing by a half interlocking plant. See order No. 19510.

4279. Application of the city of Regina for authority to cross with its municipal street railway the railway of the G.T.P.B.L. Co. at rail level with the intersection of Fifth avenue where the company's railway crosses said avenue between Ross and Parliament streets by rail and a half-interlocking plant, and for an order directing the company to furnish and maintain at its expense the necessary diamond. File 22247.

Order made granting the application, providing for the protection of the crossing by a half-interlocking plant. See order 19509.

4280. Application of the city of Regina for authority to cross with its municipal street railway the railway of the G.T.P.B.L. Co. at rail level at the intersection of Elphinstone street immediately north of Sixteenth avenue by rail and a half-interlocking plant, and for an order directing the company to furnish and maintain at its expense the necessary diamond. File 22248.

## SESSIONAL PAPER No. 20c

Order made granting the application, providing for the protection of the crossing by a half-interlocking plant. See order No. 19507.

4281. Application of the Board of Trade of Elbow, Sask., for an Order directing the C.N.R. Co. to construct a siding at or near 35-24-5-3.

Particulars of the location of siding to be filed with the board. If anything has been filed by C.N.R. or done *re* location at Elbow, Sask., Board of Trade to be served with a copy of the application before an order is made.

4282. Application of the Saskatchewan Gravel and Supply Co., for an order directing the C.N.R. to construct a spur. File No. 22371.

Order made granting the application.

4283. Application of J. A. Purcell against the Grand Trunk Pacific Ry. Co. urging discrimination in bus service at Saskatoon and for refund of G.T.P. tickets honoured by him. File 17963.

Order made dismissing the application. See order 20805.

4284. Application of the Helendale Gravel Co., Ltd., to compel the C.N.R. to construct a spur to a point on or near the road allowance at section 30, township 19, range 23, west 2, to a point on the north half of section 19, township 19, range 23, W. 2. File 22370-2.

Judgment reserved; parties to endeavour to reach a settlement between themselves.

4285. Application of the D'Arcy Board of Trade, Saskatchewan, with regard to placing an agent at that point. File 22412.

Order made directing the C.N.R. to place an agent at D'Arcy on or before August 1, 1913.

4286. Application of G.T.P. for an order approving of highway crossing and closing of certain streets and lanes in the town of Moosejaw. File 10863-60.

Order to issue granting the application upon consent of the city being filed.

4287. Application of Wm. Alexander, Silverwood, Saskatoon, to construct spur track across the northeast quarter of section 15, and the northwest quarter of section 14, township 37, range 5, west of the third meridian, municipality of Cory, Saskatchewan, C.N.R. Co. File 22370.

Order made authorizing the company to construct the spur upon the consent of the municipality being filed.

4288. Application of the C.N.R. Co. on behalf of the National Paving Co. and the Bithulithic Construction Co. to construct an industrial spur. File 22334.

Order made granting leave to the company to construct the spur upon the consent of the municipality being filed.

4289. Application of the Tuxedo Park Co., Ltd., the Canada Cement Co., Ltd., and South Winnipeg, Limited, under sections 176 and 317 for an order directing the G.T.P. Ry. to receive, forward and deliver upon and from the existing spur now serving the property of the applicants situate in lots 60, 61, 62 and 63, in the parish of St. Charles, Man., upon such terms and conditions as the board may decide fair and equitable. File 15772.

No order made.

4290. Application of the Winnipeg Supply and Fuel Co., Ltd., to have their C.N.R. spur located on a portion of river lot No. 27, of the parish of St. Boniface, Winnipeg, Man., included in the joint terminals.

Application withdrawn.

4291. Application C.P.R., under section 237, for authority to construct an additional track across Rue Plinguet, St. Boniface, Man., on its Winnipeg to Emerson branch, Manitoba division. File 21822.

Order made directing that the crossing be protected by a watchman between the hours of 7 a.m. and 7 p.m. See order 19638.

5 GEORGE V., A. 1915

4292. Application C.P.R., under section 237, for authority to construct an additional track across Marion street, in city of St. Boniface, Manitoba division. File 21823.

Order made granting the application. See order No. 22332.

4293. Consideration of the matter of yard limit boards in connection with railway companies subject to the board's jurisdiction.

NOTE.—This matter is set down to give the western officials or railway companies an opportunity of presenting their views. File 4135-21. (1 and 2.)

Order made that the C.P.R. Co. withdraw its special rule "F" applying to western lines, and hereafter observe the uniform rules of the Board regarding yard limits. See general order No. 108.

4294. Application of the Northern Supply Company, of Winnipeg, Man., for an order requiring the G.T.P. to establish the same rate on sand and gravel from Vivian to Winnipeg as charged by the C.P.R. and C.N.R. Companies for similar distances to Winnipeg. File 22008.

Application dismissed.

4295. Application of the Express Traffic Association of Canada on behalf of the express companies represented at Portage La Prairie, Man., for approval of delivery limits. File 4214-105.

Express company undertook to arrange for delivery to nurseries for the year around and to exhibition grounds. Parties to furnish board with a description of limits within which deliveries mentioned are to be made.

4296. Application of the members of the Canadian Manufacturers' Association, *re* express delivery limits in the city of Winnipeg.

Parties are to endeavour to arrange a settlement as to the delivery limits complained of.

4297. Application of the C.P.R. Co. for order authorizing it to construct temporary track on its Bergen northeasterly branch across the east Kildonan road, and also across the tracks of the Winnipeg Street Railway Co., already constructed along said road where it crosses lot 58, of the parish of Kildonan, Man. File 20444-3.

No order necessary.

4298. Application of the C.P.R. Co. for an order authorizing it to construct its new trackage in railway yard, North Transcona, across the city of Winnipeg's transmission line in lot 58, Kildonan, Man. File 1487-6.

Order made granting the application. See order 19595.

4299. Application of the C.P.R. Co. for authority to construct the tracks of its Bergen northeasterly branch across the highway known as the west Kildonan road, and also across the tracks of the Winnipeg, Selkirk, and Lake Winnipeg Railway Co., Kildonan, Man. File 20444-1.

Order made directing the C.P.R. Co. to construct on behalf of the municipality, subways at Seotia, Parkside, Main streets, and East Kildonan road, in province of Manitoba, subject to the terms and conditions of agreement dated 29th May, 1913, applicant company to bear and pay the cost of constructing the said subways and of moving the tracks of the Winnipeg, Selkirk and Lake Winnipeg Railway. See order 20030.

4300. Application of the municipality of Fort Garry in connection with the matter of subways occasioned by the C.N.R. cut-off, Winnipeg, Man. File 20311.

No order made.

4301. Application of the municipality of Fort Garry for a subway at Pembina highway. File 20311.

No order made.

4302. Application of the municipality of Fort Garry *re* C.N.R. culvert at Winchester avenue. File 22407.



## SESSIONAL PAPER No. 20c

Order made directing the C.N.R. Co. to construct a culvert under its tracks on Winchester ave., Fort Garry, company not to charge the applicant more than \$60 for the work. See order 19544.

4303. Application of the rural municipality of Fort Garry *re* G.T.P. Ry. subway. File 21246.

Application dismissed.

4304. *Re* station at Franklin, Man., on the line of the C.P.R. Co. File 19203.

Order made directing the railway company to move its station off the road allowance to a point 300 feet west thereof, and to construct a suitable crossing. All work to be completed by August 16, 1913.

4305. *Re* extension of C.P.R. hotel and station, Winnipeg. File 22280.

No order made.

4306. Application of the residents of Niverville, for passenger accommodation on the Canadian Pacific Soo Flyer. File 20776.

Application refused.

4307. Application of Frank Yestrau for a station at Dufresne, Man., on the C. N.R. File 20998.

C.N.R. to erect a station and platform. The plans to be submitted to the board for approval.

4308. Application of the Builders' Supply Company, Winnipeg, regarding use of Birds Hill Sand Company's siding. File 20741.

Order made granting the application. See order 19501.

4309. Application of the C.P.R. Co. for an order approving the clearance of the tracks of its coaling plant in North Strathcona yards, Manitoba. File 21091.

Order made granting the application. See order 19592.

4310. Application of the Board of Grain Commissioners for an order compelling the C.N.R. to allow the C.P.R. to build into the Government Elevator at Port Arthur over the C.N.R. property. File 21826.

Order made amending order No. 19936, to provide that the said connection be made at the point shown on the C.N.R. Co.'s plans filed with the board, providing the C.N.R. Co. extends its transfer track to the proposed connection with the C.P.R. See order No. 20221.

4311. Application of the Winnipeg Sandstone and Brick Co., Ltd., for an order directing the C.N.R. Co., to construct a spur crossing Pembina street from the C.N.R. siding on the east side of the railway work shops to the Winnipeg Sandstone and Brick Company's manufacturing plant on the opposite side of Pembina street. File 22434.

4312. Application of the Lake Winnipeg Shipping Company, Ltd., for an order directing the construction of a spur from the present line of railway of the C.N.R. to run along the most southerly boundary of the northeast section 1, township 15, and other points. File 22370-3.

Order made directing the construction of the spur upon the consent of the municipality being filed.

4313. Application of H. V. Hudson, on behalf of W. A. Taylor, for an order permitting the C.N.R. to move its siding from the C.N.R. Company's line of railway serving lots 23 and 33, part of block 1, D.G. 1, parish of St. John. File 18578.

Order made authorizing the C.N.R. Co., to provide the spur in question. See order 19496.

4314. Application T.H. & B. Ry Co., under sections 221, 223 and 222, for authority to construct two spurs in the city of Hamilton, Ont., from a point on northerly limit of G.T.R. right of way, thence through lands of the Steel Company of Canada, Ltd., and crossing Hamilton Radial Electric Ry. and highway known as Burlington to and into lands of Steel Company of Canada, Ltd.; (2) for an order under sections 235 and 237 authorizing the application to cross at grade the said Burlington street; (3) for

5 GEORGE V., A. 1915

an order under section 227 for authority to cross at grade the railway of the Hamilton Electric Railway Company. File 22050.

Application granted.

4315. Application Hamilton Street Railway Company, under section 227, for permission to cross at rail level the spur tracks belonging to the Steel Company of Canada, on the base line between the Broken Front concession and first concession, township of Barton, now located in the city of Hamilton, Ont. File 22032.

Application granted.

4316. Application of the Hamilton Street Railway Company, under section 227, for permission to cross at grade the tracks of the T.H. & B. Ry. at the intersection of Main street and Trolley street, Hamilton, Ont. File 22032-1.

Application granted, full interlocker to be installed.

4317. Application of the Hamilton Street Railway Company, under section 227, for permission to cross at rail level the switch track belonging to the T.H. & B. Ry. and used by them for serving the Grasselli Chemical Co. and National Steel Car Company at its crossing of Burlington (Gilkinson) street, a short distance east of Ottawa street, Hamilton, Ont. File 22032-2.

Application granted contingent on the report of the board's engineer.

4318. Application, G.T.R. under section 167, for approval of plan, profile and book of reference showing revised location of connecting track from their line of railway to the line of the T. H. & B. Ry. in connection with the layout of tracks serving the Steel Company of Canada at Hamilton, Ont. File 22060.

Application granted.

4319. Application of C.N.D. Ry. under sections 227 and 176, for authority to construct its lines and tracks across the lines and tracks of the G.T.R. and to take possession of, use and occupy lands belonging to the said G.T.R. Co. sufficient to accommodate double track railway line near Burlington, Ont. File 12021-69.

Stands until other party brings it up again.

4320. Application of D. L. McCarthy, of Toronto, relative to cost and location of street railway, electric light and telephone wires along grade separation North Toronto, Ont. File 12021-125.

Order made directing that all wires at Yonge street and Avenue road, North Toronto, be placed under ground except the long distance wires of the Bell Telephone Co., each company to bear and pay the cost of moving its wires on the said streets. See order 19604.

4321. Application of C.P.R. under section 227, for authority to construct its Forsyth Street branch across the tracks of the C.N.Q. Ry. in the east half of lot Cadastrel No. 8, parish of Longue Pointe, Montreal, Que., at mileage 1-88, of said branch and to rearrange the sidings of the latter company. File 17716-5.

Stands to be taken up upon the request of either party.

4322. Application of the C.P.R. under section 228, for approval of change in location of stations at Farm Point, from mileage 16-05 to mileage 16-36, in lots 240, range 16, township of Hull, Que., on Maniwaki subdivision, Eastern Division. File 22183.

Order made authorizing the change in the location of the applicant company's station at Farm Point. See order 19728.

4323. Complaint of Gen. Baker, Amprior, Ont., against damage caused by overflow of water on his plant on account of culvert under C.P.R. being too small. File 21756.

C.P.R. Company to submit a plan in ten days for a new and enlarged culvert.

4324. Application of the town of Renfrew, Ont., under section 237, for an order directing the C.P.R. to provide and construct a suitable crossing where the company's railway crosses and intersects Hall street in the town of Renfrew, Ont. File 21980.

Order made granting the application.

## SESSIONAL PAPER No. 20c

4325. Complaint of John Scissons, South March, Ont., relative to refusal of C.N. O. Ry. to provide a cattle pass on his property on lot 11, concession 3, township of March, Ontario. File 3561-117.

No order necessary. Permission is given to Mr. Scissons to deepen the culvert to the extent of 6 inches at his own expense and under the supervision of the company's officer.

4326. Application of C.N.R. for approval of plans showing proposed farm crossing for E. Good, lot 5, concession 6, township of Nepean, Ont. File 3878-550.

Order made directing the applicant company to construct a farm crossing as applied for. See order 19681.

4327. Application of the C.P.R. under section 237, for authority to construct four extra tracks across May and Ridgeway streets in city of Fort William, Ont., the portion of said streets affected by the said crossing of track to be closed and replaced by street diversion on the northwesterly side of said tracks, but without crossing same. File 20539.

Judgment reserved, board to visit the *locus*.

4328. Consideration of the question of reciprocal demurrage and its suggested application in Canada. File 3775-1.

No action taken, no one appearing.

4329. Application of the Canadian Freight Association, for a ruling of the board as to the proper allowance to be made from track scale weights, on various commodities. File 8799-1.

No action taken, no one appearing.

4330. Petition of the residents of Hymers, Ont., for an order directing the C.N.R. Company to provide a station and a station agent at that point. File 22274.

Order made directing the C.N.R. Co. to appoint a caretaker at Hymers, caretaker to be appointed and work to be completed by 15th August, 1913. See order 19744.

4331. Application of Messrs. Hunter and Hunter on behalf of the executors of the estate of the late Joseph Davidson for compensation for the value of the land destroyed by shutting off all access to the property of the estate, being lot 381, Blackwoods addition to the town plot of Fort William. File 6911. Case 2963.

Railway company to put tracks in such condition as to enable owners to get in and out of property.

4332. Application of the Board of Grain Commissioners for an order directing the C.N.R. Co. to allow the C.P.R. Co. to build a right of way for the Canadian Pacific Ry. Co. into the Government elevator at Port Arthur over the C.N.R. Co.'s property.

Judgment reserved. Board to visit the *locus*. Railway company to consider the question of absorbing the switching charges.

4333. Application G. R. Duncan, Fort William, Ont., for authority to construct a siding from the C.N.R. across Waterloo street in the city of Port Arthur to the applicant's property known as Union Centre in the township of McIntyre, Ont. File 22377.

Order made granting the application. See order 19633.

Order made authorizing the applicant to build a spur from his property to the C.N.R. Co.'s right of way, the balance of the spur to be built by the C.N.R. Co.

4334. Questions having arisen as to the respective rights of the consignee and the carrier under rule 2 of the Canadian Car Service Rules, railway companies subject to the board's jurisdiction, through the Canadian Car Service Bureau, or otherwise, will be required to state their reasons for separately assessing the customs, placement, and unloading periods, notwithstanding that the total time allowed by the rule may not have been exceeded. File 1700, part H.

Matter referred to the traffic and operating officers of the board to take up with the representatives of the shippers and carriers.



4335. Questions having arisen as to the interpretation and application of the so-called "bunching" rule No. 7, of the Canadian Car Service rules, railway companies, subject to the board's jurisdiction, through the manager of the Canadian Car Service Bureau, or otherwise, will be required to state what objection, if any, they have to the substitution of the words "when owing to conditions for which the consignee is not responsible," for the whole of rule 7, from the beginning down to but not including the words "cars are tendered; etc." File 1700-29, part 3.

No order made; see judgment of Commissioner McLean, dated 11th February, 1914. Appendix "C."

4336. Application of the T. H. & B. Ry. Co., under sections 26, 151 and 180, for authority to construct and maintain a stand pipe between its main tracks of railway on Hunter street, in the city of Hamilton, immediately west of John street. File 22313.

Application refused.

4337. Application of the N. St. C. & T. Ry. for approval of revised location between township of Niagara and village of Niagara on the Lake.

NOTE.—Board will consider the request of the M.C.R. for reconsideration of this matter. File 3498-20.

Protest withdrawn, and order to issue accordingly.

4338. Application of the Montreal and Southern Counties Ry. for approval of its local passenger tariff No. 3, covering fares between Montreal and Richelieu and intermediate stations. File 12256-1.

Stands; applicant company to furnish certain information in regard to the local rates in the province of Quebec.

4339. Application of the Canadian Freight Association, for approval of proposed Supp. No. 1, to Canadian Freight Classification No. 16. File 19367.

Order made consolidating, revising and amending supplement and supplementary known as proposed supplement No. 5 to become effective 1st March, 1913. See order No. 18495.

4340. Consideration of the objection of the Montreal Board of Trade to the additional ratings for Homogenized Milk, namely, L.C.L. 2, C.L. 4, included in proposed Supp. No. 1, to Canadian Freight Classification No. 16, submitted by the Canadian Freight Association for the board's approval. File 19367-7.

Judgment reserved. Mr. Walsh to furnish certain information asked for. See notes.

4341. Consideration of the objections of the Canadian Manufacturers Association, and the Montreal Board of Trade to the proposed increase in the ratings of dressed hogs from L.C.L. 3, C.L. 5, to L.C.L. 1, C.L. 4, as submitted by the Canadian Freight Association, for the board's approval in proposed Supp. No. 1 to Canadian Freight Classification No. 16. File 19367-7.

Discussed, subject to renewal.

4342. Consideration of the proposition that by limiting the height of freight cars to 13 feet 6 inches from the top of rail to the running board, trainmen will be safeguarded, and grade separation facilitated, also of the proposals submitted by the Canadian Freight Association in conformity with the suggestion that this object would be promoted by basing the minimum weights of the Canadian Freight Classification for light and bulky articles on the cubical capacity of box cars, instead of their length, as at present. File 16932.

Judgment reserved.

4343. Consideration of the forms of live stock contracts submitted by railway companies subject to the jurisdiction of the board. (Adjourned hearing). File 16749-70.

Judgment reserved.

4344. Application of the township of Fitzroy, Ontario, for an order directing the G.T.R. to construct a crossing over their railway at side road between lots 5 and 6, concession 7, township of Fitzroy, Ontario.

Order made granting the application.

## SESSIONAL PAPER No. 20c

4345. Complaint of L. O. Christmann, Beachburg, Ont., relative to refusal of C. N. O. Ry. to provide a farm crossing on his property on lot 8, concession 4, township of Westmeath, Ont. File 3561-162.

4346. Application of R. T. McLaughlin, for an order directing the C.N.O. Ry. to provide cattle passes on north half of lot 25, concession B, and north half of lot 24, concession B, township of Westmeath, Ontario, over which lands the C.N.O.R. Co. are constructing their road. File 3561-175.

Order made for cattle pass.

4347. Application of D. D. Campbell, Winnipeg, Man., for an order requiring railway companies to have grain cars stencilled with a line of inches in four places on each side of the car in order to show the depth of grain in the car. File 20070.

Application refused; see judgment of Chief Commissioner, dated August 2, 1913, appendix "C."

4348. Railway companies subject to the board's jurisdiction are required to show cause why trunks containing wearing apparel and personal effects, when securely corded should not be accepted for carriage by freight service. File 8954.

Order made in accordance with judgment of Chief Commissioner.

4349. Consideration of the matter of amending order 16570 of May 22, 1912, in regard to railway fire protection. File 4741, part 4.

Order made rescinding order No. 16570, dated 22nd May, 1912, and issuing new general order covering the question of fire protection. See general order No. 107.

4350. Complaint of John J. McCarthy, Ottawa, Ont., alleging the refusal of the C.N.R. to compensate him for extra land taken for their right of way on lots 9, 10 and 11, Ottawa street, village of Richmond, Ont. File 3561-163.

No order made.

4351. Application, C.L.O. & W. Ry. for authority to operate crossing of G.T.R. at Whitby temporarily for construction purposes. File 3701-46.

Board directed usual order to go with limitation for six months.

4352. Application of the Fletcher Pulp and Lumber Co., Ltd., of Sherbrooke, for a reduction in the rate on export lumber from Sherbrooke to Montreal, Que., by the G.T.R. Co. File 22525.

Board decided that no order was necessary, the railway company undertaking to look into the question of moving the lumber already hauled; the board's operating officer to ascertain the quantity.

4353. Application, Board of Trade of city of Toronto, Ont., for an order requiring railway companies to provide a carload rating of 4th class on peanut butter. (Adjourned hearing.) File 19367-17.

Judgment reserved, Mr. MacInnes to furnish the board and Mr. Marshall with statement mentioned at the hearing.

4354. Application of L'Air Liquide Society, of Montreal, Que., for a rating on oxygen gas of L.C.L. 3rd class and C.L. 5th class. File 19367-16.

Order made that the carload rating of 4th class provided for in C.F.C. for blaugas and carbonic acid gas be provided, also for oxygen and acetylene gas in carloads. That the application for a reduced less-than-carload rating of oxygen gas be refused. See order 20739.

4355. Determination as between the railway companies and the Harbour Commission of Montreal, of the responsibility for thefts from freight cars while on the rails of the Harbour Commission at Montreal, on the application of the Chamber of Commerce for the district of Montreal, and the Montreal Dairy Company. File 21809.

Judgment reserved.

4356. On complaint of C. E. Colson & Son, of Montreal, the G.T.R., C.P.R. and C.N.R. Companies will be required to justify the additional charges for "sorting" carload freight inwards, for various consignees; also the extra charge for making broken collections or deliveries of outwards and inwards freight respectively, as

5 GEORGE V., A. 1915

announced in a circular of the Shedden Forwarding Co., Dominion Transport Co., and Canadian Northern Transfer Co., dated Montreal, April 1, 1912; also to explain the exclusion of the charges from their tariffs published and filed. File 18663-19.

Struck off the list.

4357. Railway companies which furnish cartage services will be required to show cause why, instead of cartage charges being collected on carload cartage freight upon the minimum weight provided in the freight classification, they should not be collected on the actual weight. File 21896.

Application withdrawn.

4358. Application of the Montreal Board of Trade for an order requiring the C.P.R. Co. to adjust its rates on sugar originating at Montreal, from Fort William to points west thereof so that the rates shall not be greater for distances over 850 miles than are charged for similar distances from Vancouver, B.C. File 21714.

Judgment reserved, matter to be dealt with the general inquiry into Western Rates.

4359. Application, Montreal Corn Exchange Association, for an order suspending clause in supplement No. 9 to C.R.C. No. E-2480 (C.P.R. tariff E. 2080) cancelling the arrangement providing that shipments of grain products, etc., in carloads may be consigned to Outremont, Que., for inspection or orders. File 22491.

Order made disallowing cancellation of the stop-over arrangement at Outremont, Que., in connection with shipments of grain and grain products from Western Canada, also suspending the cancellation of stopover arrangements at Toronto, West Toronto, and Montreal and Outremont in connection with shipments of grain and other products until otherwise ordered by the board. See order 19858.

4360. The C.P.R. Co., will be required to speak to the allegation of the Vigers-Shear Lumber Co., of Port Arthur, that they have been charged a toll of \$5 per car for switching lumber from their siding at Port Arthur to the interchange between the C.P.R. and C.N.R. at Port Arthur, on traffic destined for delivery on C.N.R. sidings at Westfort, the C.P.R. Co. having apparently failed lawfully to publish and file the said toll. File 21783.

Judgment reserved. Company's answer to be filed within a reasonable time.

4361. Complaint of Dartnell Ltd., of Montreal, Que., that the C.P.R. refuses them the allowance of twenty-four hours under rule 2 of the Car Service Rules, for designating the points at which they desire cars placed for unloading at Mile End, Que.

Board decided not to make any order, the company stating that a refund of \$4 would be made to the complainants, being the amount of the switching charge collected by the company.

4362. Application C.P.R. under section 175 for authority to expropriate certain lands being part of lots cadastral Nos. 111 and 112 of the village of Rigaud, county of Vaudeuil, Quebec, said lands being required for the purpose of constructing a "Y" track. File 21260.

Application to re-open this matter refused.

4363. Complaint of municipality of Melbourne and Brompton Gore, Quebec, relative to alleged dangerous crossing about three-quarters of a mile west of Kingsbury, on line of C.P.R., known as "Miller Crossing." File 9437-936.

Order made directing the installation of a bell at Miller Crossing by the 18th November, 1913; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance by the railway company. See order 20587.

4364. Complaint of Geo. H. Jones, Huntingdon, Que., relative to G.T.R. and N.Y.C. and H.R.R. (St. Lawrence and Adirondack Division) blocking his farm crossing. File 19009.

No order made so far as Mr. Jones is concerned, railway company having stated that they settled with him.



## SESSIONAL PAPER No. 20c

4365. Complaint municipality of Melbourne and Brompton Gore, Que., relative to alleged dangerous condition of crossing about three miles east of Kingsbury, on the river road of this municipality between Melbourne and Windsor Mills, on the line of the C.P.R. File 9437-937.

Board ordered the railway company to install an electric bell at the crossing of the river road, about three miles east of Kingsbury, said bell to be installed by 31st October, 1913; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the balance by the railway company. See order 19837.

4366. Complaint of municipality of Melbourne and Brompton Gore, Quebec, relative to alleged dangerous condition of crossing on south shore of St. Francis river, between Melbourne and Brompton on the line of the C.P.R. File 14829.

Order made that the C.P.R. Co. repair the retaining wall and raise it 1 foot higher and erect a standard railing along the same; also widen the road to a width of 18 feet throughout; work to be completed by 1st November, 1913, and after completed, roadway to be maintained by the company for one year. See order 19838.

4367. Complaint of Geo. Shearer, Huntingdon, Que., that the G.T.R. and N.Y.C. and H.R.R. are blocking his farm crossing. File 20494.

See order made on file 19529.

4368. Complaint of Mr. Chas. Shirreff, Huntingdon, Que., relative to G.T.R. and N.Y.C. and H.R.R. blocking his farm crossing. File 19529.

Order made directing that sign boards be erected and maintained at the said crossings. Order to become effective by 2nd August, 1913, and company to be liable to a penalty of \$100 for each violation or failure to comply with the provisions of the said order. See order 19986.

4369. Application of C.N.O.R. Co. under section 237, for authority to construct across and divert the public road on lots 81 and 82, parish of Ste. Dorothée, Que., File 2342-109.

Order made refusing the application for a level crossing and directing applicant company to construct a subway 12 feet in height. Detailed plan to be submitted for the approval of the board's engineer. See order No. 20032.

4370. Application of C.N.O.R. Co., under section 258, for sanction and approval of the location of its station grounds at Isle Jesus, in the parish of Ste. Dorothée, county of Laval, mile 38.40 from Hawkesbury East. File 2342-108.

Judgment reserved. Board will endeavour to visit the *locus*.

4371. Complaint of Th. Chase Casgrain, Montreal, Que., relative to dangerous crossing at the tracks of the G.T.R. and C.P.R., on the road leading from Beaconsfield to Ste. Geneviève, Que. File 9437-901.

Order made that the C.P.R. Co. forthwith place a watchman on duty at said crossing from 8 a.m. to 7 p.m., until October 15, and thereafter from May 15 to October 15 in each year, two-thirds of the cost to be paid by the railway and a third by the municipality.

4372. Application of the residents of La Conception, Que., for an order directing the C.P.R. to install an agent at that point. File 20588.

Railway company to file a statement of earnings, freight, passenger and express, in and out, the statement to show the earnings at the time the agent was taken out, and what they are at the present time.

4373. Petition of the residents of St. Hyacinthe, Que., for an order directing the G.T.R. and C.P.R. to sell commutation tickets between St. Hyacinthe and Montreal, Que. File 21783.

No order made. Board held that this application was covered by its judgment in the Brompton case. See judgment of the Chief Commissioner, dated September 30, 1913. Appendix "C."

4374. Application of city of Maisonneuve, Que., and Shawinigan Water and Power Co., for an order varying the terms of order No. 16998 authorizing the C.P.R.

to construct a branch line of railway through the town of Maisonneuve, Que. File 17716, part 2.

Order made amending order No. 16998, to provide that Charlemagne street be left open, and that the application with respect to the streets to the east be refused. See order 19800.

4375. Complaint of E. W. Mahon, *et al*, relative to danger to pedestrians crossing Victoria bridge from Point St. Charles to St. Lamberts on account of refusal of G.T.R. to light same, also against the toll charged to cross this bridge. File 21678.

Condition of highway to be inspected, the lighting of bridge to be referred to the board's electrical engineer; the company to submit any agreement it desires in writing, and send a copy to the complainants. Also to furnish the board with a copy of the agreement mentioned.

4376. Application of the city of Lachine, Que., under section 238, for an order directing the G.T.R. to remove existing electric bell and install and maintain gates and appoint day and night watchmen for better protection at railway crossing at 2nd avenue, Lachine, Que. File 8448, case 3021.

Board decided not to make an order, company to keep the bell in order; referred to the board's inspector for report.

4377. Application of the city of Lachine, Que., under section 238 for an order directing the G.T.R. to remove existing electric bell and install and maintain gates and appoint day and night watchmen for better protection at railway crossing at Eighteenth avenue, city of Lachine, Que. File 9437-121.

Order made directing the Grand Trunk Railway Co. to install gates to be operated by day and night watchmen at 18th street in city of Lachine, work to be completed within three months from the approval of the plan, 20 per cent of the cost to be paid out of the Railway Grade Crossing Fund, 55 per cent by the railway company, 25 per cent by the applicant. Order No. 9619, dated 7th February, 1910, rescinded. See order No. 21711.

4378. Application, L.J.C. & M. Ry. Co., under section 178, for authority to expropriate certain lands from the Montreal Gas Co., said lands being required for the diversion of Harbours street in the city of Montreal, Que. File 14329-12.

Order made that the applicant company be authorized to take the said lands in the city of Montreal. See Judgment of the Chief Commissioner, dated September 26, 1913. Appendix "C."

4379. Application, C.P.R. under section 178, for authority to expropriate certain lands belonging to the Trans-Canada Breweries and being part of the unsubdivided portion of the lot numbered No. 6647 of the cadastral St. Antoine ward, of the city of Montreal, the said lands being required in connection with the Windsor street terminals. File 19102-5.

Order made granting application. See order 19090.

4380. Complaint of Chas. Skelton, Montreal, Que., relative to C.N.R. proposed elevated tracks across the Hochelaga square in the city of Montreal, Que. File 18589-30.

No action taken. Stands with other tunnel cases.

4381. Complaint of Mrs. C. Stoddard, 46 Overdale ave., Montreal, Que., with reference to the treatment to be received from the Bell Telephone Co., in connection with the installation of a Blake set in her house. File 3574-88.

No order necessary, as matter settled.

4382. Consideration of the matter of the conditions on the Quebec, Montreal and Beauport Railway Southern Division, between St. Hyacinthe and Berthelme Junction. File 22488.

Case struck off the list.

## SESSIONAL PAPER No. 20c

4383. Complaint of the Milton Pressed Brick Co., of Milton, Ont., against the proposed increase by the G.T.R. and C.P.R. in the rate on brick from Milton to Toronto on August 1, 1913, from 3 cents to 3½ cents per 100 pounds. File 22161.

Struck off the list.

4384. Complaint of the Rosedale Sawmill Co., of Toronto, Ont.

(a) Against the increases in the Canadian Northern Ontario's switching charge from their siding to the C.N.O. Ry. interchange with the C.P.R. and G.T.R. in Toronto terminals.

(b) Against the increased switching charges from the said interchanges to the various points of delivery within the Toronto terminals.

(c) That the Grand Trunk and C.P.R. Companies refuse to place their cars for unloading on team tracks within the Toronto terminals.

(d) That in its rates for the haulage of logs to complainant's mill the C.N.O. Ry. Co. discriminates against them, and in favour of the Holt Lumber Co.

(e) That the C.N.O. Ry. Co., disregarding its agreement with the complainants, refuses to reimburse to them the cost of their construction work on their siding. File 22269.

Stands to be dealt with in connection with the general question of interswitching.

4385. Complaint of J. G. Cane & Co., Toronto, Ont., against the increased charge of the C.N.O. Ry. and C.P.R. companies for switching cars from the Rosedale Sawmill Co.'s, C.N.O. Ry. siding to the C.P.R. North Toronto yards. Supplementary to the complaint of the Rosedale Sawmill Co. File 22536.

Stands to be dealt with in connection with the general question of interswitching.

4386. Complaint of R. J. Cousins, Enterprise, Ont., relative to cattle pass on C. L.O. & W. Ry. in the township of Camden, Ontario. File 3701-61.

Application withdrawn, company having settled with the complainant for \$325.

4387. Application of Joseph Calverly, Parry Sound, Ont., for an order directing the C.P.R., to construct a farm crossing at lot 12, concession A, township of McDougal, Ontario. File 21217.

Order to go upon consent being filed by Mr. Ireland.

4388. Petition of residents of the vicinity of Drayton, Ont., for an order directing the G.T.R. to furnish better accommodation at that point. File 21077.

Stands for consideration by the railway company. If betterments are not made, the case will be reinstated in the list.

4389. Application of J. D. Howdne, Whitby, Ont., under section 254, for an order directing the C.L.O. & W. Ry., to construct a suitable farm undercrossing on lot 24, concession 2, township of Whitby, Ontario. File 3701-311.

Order made that the railway company provide a suitable farm crossing by means of an undercrossing, 12 feet by 12 feet. See order 19912.

4390. Application of town of Bowmanville, Ont., under section 237, for an order directing the C.L.O. & W. Ry. to carry High street over the railway by means of a suitable bridge. File 3701-178.

Referred to the board's engineer for report.

4391. Complaint of municipality of Tecumseh, Ont., relative to condition of culvert on the line of the C.P.R. at Seventh Concession line, township of Tecumseh, Ontario. File 22378.

Order made directing the G.T.R. Co. to construct and maintain a culvert under its tracks in the said township of Tecumseh as shown on plan dated February 28, 1913, the cost of construction and maintenance to be borne by the C.P.R. Co., work to be completed by September 13, 1913. See order 19988.

4392. Application of R. J. Patterson, Omamee, Ont., for an order directing the C.P.R. to provide a cattle pass where the railway crosses his land on lot 4, concession 10, township of Ops, Ontario. File 2100-103.

Order made directing the railway company to provide a suitable cattle pass 5 feet 6 inches in height, work to be completed by the 20th September, 1913. See order 19965.



4393. Application of R. H. Souch for an order directing the C.L.O. & W. Ry. Co. to construct a subway on his lots 3 and 4, concession 2, township of Darlington, Ontario. File 3701-302.

Order made refusing the application. See order 19948.

4394. Application of C.L.O. & W. under section 237, for authority to construct its tracks across Ontario street, Cobourg, Ont., by means of a grade crossing at mileage 120-20 from Glen Tay, Ont. File 3701-286.

Order made granting application. See order 19870.

4395. Application of C.L.O. & W. (1) under section 167 for an order approving of a revision of a portion of its line in lot 23, concession "A," township of Brighton; and (2) under section 176 for authority to take from the G.T.R. Co. the extra land required for right of way in the northwest half of lot 23, concession "A," township of Brighton, Ontario. File 3701-298.

Order made granting application. See order No. 19939.

4396. Consideration of the matter of protection at the crossing of the G.T.R. over Yonge street, 1.5 miles south of Aurora, Ont., at mileage 28-66. File 9437-207.

Order made directing that the side road be diverted into Yonge street as shown on the plan filed with the board, the railway company to provide the land necessary for such diversion, and deed it to the township; also directing that the railway company install by the 24th September an electric bell at the crossing at Yonge street and maintain same at its own expense, the cost of installation to be borne, 20 per cent out of Railway Grade Crossing Fund and the balance by the railway company. See order No. 19916.

4397. Application of the Hamilton Mountain Park Co., Ltd., for an order (a) authorizing the construction of an incline railway over and across the tracks of the T. H. & B. Ry. and the G.T.R. at or near Wentworth street south, below the mountain, Hamilton, Ont.; (b) for an order directing each of the said railway companies to pay such amounts as the board may think right towards the construction of said incline railway. File 21939.

Struck off the list by consent of the parties, with leave to be brought on on notice by interested party.

4398. Application Hamilton Street Railway Company, under section 227, for permission to cross at rail level the spur tracks belonging to the Oliver Chilled Plow Works of Canada, Ltd., on Gilkinson street, opposite McKinstry street, in the city of Hamilton, Ont. File 22310.

Order made granting application subject to the conditions set forth in the order: crossing to be protected by half interlocking plant. Applicant company to bear the cost of providing, maintaining, and operating same. See order No. 19816.

4399. Application of the T.H. and B. Co., under sections 237, 238 and 239, for an order authorizing them to permanently divert and close part of the highway between lots 14 in the 10th and 11th concessions, township of Pelham, Ontario, and to open a new highway in lieu thereof; the railway company to acquire certain lands belonging to Alonzo Jennings for the purpose of carrying out the above work. File 21620-6.

Order made granting application subject to certain conditions set forth in the order. See order 20134.

4400. Application T.H. & B. Co., under sections 237, 238 and 239, for an order authorizing them to permanently divert and close part of the highway between lots 1 in the 13th and 14th concessions, township of Pelham, Ontario, and to open a new highway in lieu thereof; the railway company to acquire certain lands belonging to George Daboll, for the purpose of carrying out the above work. File 21620-7.

Order made granting application subject to conditions set forth in the order. See order No. 20134.

4401. Application T. H. & B. Ry. Co., under sections 237, 238 and 239, for an order authorizing them to permanently divert and close part of the highway between lots 9 in the 11th and 12th concessions, township of Pelham, Ontario, and to open

## SESSIONAL PAPER No. 20c

a new highway in lieu thereof; the railway company to acquire certain lands belonging to Thomas Toor for the purpose of carrying out the above-mentioned work. File 21620-8.

Order made granting application subject to conditions set forth in the order. See order No. 20134.

4402. Application T. H. & B. Ry. Co., under sections 237, 238 and 239, for an order authorizing them to permanently divert and close part of the highway between lots 5 in the 12th and 13th concessions, township of Pelham, Ontario, and to open a new highway in lieu thereof, the railway company to acquire certain lands belonging to Jemima Sutton for the purpose of carrying out the above work. File 21620-9.

Order made granting application and rescinding order No. 20134. See order No. 21400.

4403. Application of John A. Carr for an order directing the G.T.R. to provide a farm crossing on his property on lot 223, range 5, township of Godmanchester, county of Huntingdon, Quebec. (Adjourned hearing). File 22325.

Case withdrawn as matter settled.

4404. Application of Toronto and Niagara Power Co., under section 249, for an order directing the C.P.R. to permit the applicant company to carry its wires across the right of way of the said railway in lot 6, concession 3, township of York, Ontario. File 22682.

Order made amending order 4669, dated April 15, 1903, to provide that the said crossing be made in accordance with plan No. 6123, filed with the board. C.P.R. Co. directed to permit crossing. See order No. 20049.

4405. Application Toronto & Niagara Power Co., under section 249, for an order directing the G.T.R. to permit the applicant company to carry its wires across the right of way of the said railway to Davenport road, Toronto, Ont. File 22683.

Order made amending order 5850, dated December 15, 1908, to provide that the crossing be made in accordance with plan No. 6123. G.T.R. directed to permit such crossing accordingly. See order 19974.

4406. Application C.L.O. & W. for approval of plan showing proposed farm crossing on lot 14, concession 3, township of Scarboro, Ont., mile 181. File 3701-305.

Matter stands at request of applicant.

4407. Application C.N.O. Ry., under section 237, for authority to cross, with its line of railway Dundas street between lot 9, concession B, and lot 1, concession C, township of Etobicoke, Ontario, by means of a structure carrying the highway over the railway and to divert Church street, lot 10, concession B, and lot 1, concession C, in said township. File 12021-115.

Referred to the board's chief engineer to deal with.

4408. Application of C.N.O. Ry., under sections 167 and 151 for sanction and approval of the revised location of its line through the township of York and part of the city of Toronto, Ont., mileage 2-23 to mileage 6-16 from Yonge street. File 12021-131.

Order made granting the application subject to the conditions set forth in the order. See order 20673.

4409. Application of C.N.O. Ry., under section 227, for authority to construct its lines and tracks across the lines and tracks of the G.T.R., C.P.R. and Toronto Suburban Ry. Companies in the city of Toronto, Ont. File 12021-130.

Order made granting the application. See order 21893.

4410. Application of G.T.R., under sections 222 and 237, for authority to construct (a) an additional track across the subway at Weston road, Weston, Ont., and (b) a siding and spurs therefrom commencing at a point on its railway east of Weston road, thence extending across subdivision lots 81, 80, 89, 88, 87, 86, in lot 6, concession 5, township of York, and crossing Oak street in the village of Weston, to and into the

premises of the Toronto Structural Steel Co., Ltd., on lot 9, concession 5, township of York, Ontario. File 22517.

Order made granting the application. See order No. 19944.

4411. Application of the C.P.R., under section 237, for authority to construct an additional track (third track) across Bloor street, Lansdowne avenue and Brock avenue, in city of Toronto, Ont., on the applicant company's main line. File 22354.

Order made granting application. See order 19966.

4412. Application of C.P.R., under section 227, for authority to construct its street branch across the tracks of the C.N.O. Ry. in the east half of lot industrial No. 8, parish of Longue Pointe, Montreal, Que., at mileage 1.88 of said branch, and to rearrange the siding of the latter company. File 17716-5.

Order to issue on consent.

4413. Application of Toronto Suburban Ry. Co., under section 227 for an order authorizing it to construct a railway track across the tracks of the G.T.R. where they intersect the applicant company's railway on the Acton Tanning Company's property at Acton, Ont. File 20564.

Order made amending order No. 18373 by providing that an addition to the tracks authorized to be crossed under said order. The applicant company be authorized to cross as shown on plan filed with the board. The applicant company to put in diamond and be at all expense of construction and maintenance. See order 19957.

4414. Application of the Lake Erie & Northern Ry. Co., under section 227, for an order approving of the under-crossing of the G.T.R. Co., at Paris, Ont. File 18034-26.

Order made granting the application. See order 19244.

4415. Complaint of Messrs. Jones, Shearer and others *re* blocking of crossings by New York Central trains. File 20612.

Statement made that matter had been settled by payment of \$500.

4416. Application C.N.O.R. Co., under section 159, for approval of location through the town of North Bay, mile 143.55 to 146.12 from Montreal (North Bay to Capreol Junction line). File 18402-8.

Struck off the list.

4417. Application C.N.O.R. Co., under section 237, for authority to construct its line of railway across public road between concessions 12 and 13, township of Chisholm, district of Nipissing, station 114.47, Mile 210.87. File 18402-50.

Order made amending order No. 18616 by approving of the proposed diversion shown on plan filed by the railway company subject to the terms of the agreement between the municipality of the township of Chisholm and the railway company. See order 20059.

4418. Application C.N.O.R. Co., under section 237, for authority to construct across Bourke street in the town of North Bay, Ont. File 18402-78.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4419. Application C.N.O.R. Co., under section 237, for authority to construct across Durrel street, North Bay, Ont. File 18402-79.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4420. Application C.N.O.R. Co., under section 237, for authority to construct across Jane street, North Bay, Ont. File 18402-80.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4421. Application C.N.O.R. Co., under section 237, for authority to construct across Bell street, North Bay, Ont. File 18402-81.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4422. Application C.N.O.R. Co., under section 237, for authority to construct and divert Marion street in the town of North Bay, Ont. File 18402-82.



## SESSIONAL PAPER No. 20c

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4423. Application C.N.O.R. Co., under section 237, for authority to construct across Copeland street in town of North Bay, Ont. File 18402-83.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4424. Application C.N.O.R. Co., under section 237, for authority to construct across William street, North Bay, Ont. File 18402-84.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4425. Application C.N.O.R. Co., under section 237, for authority to construct across McIntyre street, North Bay, Ont. File 18402-85.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4426. Application C.N.O.R. Co., under section 237, for authority to construct across and divert Second avenue, North Bay, Ont. File 18402-86.

Order made granting the application subject to the conditions set forth in the order. See order 20565.

4427. Application C.N.O.R. Co., under section 237, for authority to construct across Timmins street, North Bay, Ont. File 18402-87.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4428. Application C.N.O.R. Co., under section 237, for authority to construct across Nipissing street, North Bay, Ont. File 18402-88.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4429. Application C.N.O.R. Co., under section 237, for authority to construct across Wyld street, North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-89.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4430. Application C.N.O.R. Co., under section 237, for authority to construct across Klock avenue, in town of North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-90.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4431. Application C.N.O.R. Co., under section 237, for authority to construct across Front street, North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-91.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4432. Application C.N.O.R. Co., under section 237, for authority to close Cedar street and divert the traffic by extending McLarne avenue from Klock avenue to Hime street, North Bay, Ont. File 18402-92.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4433. Application C.N.O.R. Co., under section 237, for authority to construct across Fisher street in the town of North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-93.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4434. Application C.N.O.R. Co., under section 237, for authority to construct across Ferguson street, North Bay, Ont., by means of a structure carrying the railway over the highway. File 18402-94.

5 GEORGE V., A. 1915

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4435. Application C.N.O.R. Co., under section 237, for authority to construct across Third street, North Bay, Ont., File 18402-95.

Order made granting the application. See order 20654.

4436. Application C.N.O.R. Co., under section 237, for authority to construct across Cassels street, North Bay, Ont., by means of an overhead structure carrying the railway over the highway. File 18402-96.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4437. Application C.N.O.R. Co., under section 237, for authority to construct across Metcalfe street, in town of North Bay, Ont. File 18402-97.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4438. Application C.N.O.R. Co., under section 237, for authority to construct across Harvey street, North Bay, Ont. File 18402-98.

Order made granting the application, subject to the conditions set forth in the order. See order 20500.

4439. Application C.N.O.R. Co., for approval of plans showing proposed subway at Fraser street, North Bay, Ont. File 18402-99.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4440. Application C.N.O.R. Co., under section 237, for authority to construct its line of railway across John street, North Bay, Ont. File 18402-100.

Order made granting the application subject to the conditions set forth in the order. See order 20500.

4441. Application C.N.O.R. Co., under section 237, for authority to construct its line of railway across the public road on lot 3, concession 3, township of Crerar, district of Nipissing, Ontario, station 3294-29. File 18402-101.

Order made granting the application. See order 19989.

4442. Application C.P.R. under section 237, for authority to construct its Forsyth Street branch from mile 0-7 to mile 1-7 over and across the highways in the town of Montebello, parish of Montcal, Que., as follows: Bourbonniere, D'Orleans, Jeanne D'Arc, Pie IX, Desjardins, Lasalle, Letourneau, Bennett and Aird streets, Fifth, Fourth, Third, Second and First avenues. File 17716-10.

Order made granting the application. See order 19958.

4443. Application of C.L.O. & W. Ry. Co., under sections 30, 151 and 257, for authority to divert Fourth Depot river in lot 12, concession 8, township of Hinchinbrooke, Ontario, and to construct a bridge across the said river as so diverted at mileage 33-54 from Glen Tay on its line of railway. File 3701-324.

Order made authorizing the applicant company to divert Fourth Depot river and to construct bridge across the said river as diverted, mileage 33-54 from Glen Tay. See order 20230.

4444. Application of the C.L.O. & W. Ry Co., under sections 30, 151, and 257, for authority to divert Fourth Depot river in lot 12, concession 8, township of Hinchinbrooke, Ontario, and to construct a bridge across the said river as so diverted at mileage 33-54. File 3701-324.

Order already issued.

4445. Application of St. Mary's Portland Cement Co., Ltd., under section 226, for an order compelling the C.P.R. to construct a spur leading off the G.T.P. lines, 15th district, near St. Mary's to and into the premises of the applicant on a part of lot 11, concession 17, township of Blandford, Ontario, and to connect same with the tracks existing on said premises leading off the C.P.R. File 21881.

Order made for construction of spur under section 222, and for connection with the C.P.R.

## SESSIONAL PAPER No. 20c

4446. Application, C.N.O. Ry. Co., under section 237, for authority to construct its line of railway across the public road between concessions B and 2, township of Westmeath, Ontario. File 3561-122.

Order made amending order already issued.

4447. Application of Wm. and Robert Wilson for an order directing the C.N.O. Ry. to provide a cattle pass on lot 26, concession B, township of Westmeath, Ontario. File 3561-148.

Order made directing the C.N.O.R. Co., to construct a suitable farm crossing and cattle pass at the point in question, and that the applicant company pay back by the 14th October, 1913, the money received by them from the railway company for the right of way. See order 20458.

4448. Application of Kerr and Thompson, Hamilton, Ontario, on behalf of property owners, to amend orders of the board Nos. 16671 and 18906, in *re* shunting by the G.T.R. on Ferguson avenue, Hamilton, Ont. File No. 18292, part 3.

Order made amending orders 16671 and 18906.

4449. Application of the Glengarry and Stormont Railway Co., under section 227, for leave to cross the G.T.R. at a point north of the town of Cornwall, Ontario. File 22902-1.

Order made granting the application, interlocking plant to be established at the expense of the applicant company. See order No. 22325.

4450. Complaint of certain freeholders of the townships of March and Torbolton, Ontario, against the station site selected by the C.N.O. Ry. and approved by order of the board No. 17342, and located at mile 22, west of Ottawa, Ontario. File 20309.

Complaint dismissed. Order stands.

4451. Application of the G.T.P. Ry. Co., under section 222, for authority to construct wye track at mile 29, west of Yellowhead pass, Cariboo district, British Columbia. (Adjourned hearing.) File 3452-32.

Order made on consent granting application.

4452. Consideration of the matter of requiring railway companies subject to the board's jurisdiction to equip locomotives with air hose on the front end. File 22955.

No order made.

4453. The Canadian Pacific Railway Co. will be required to show cause why Supplement No. 17, to tariff C.R.C. No. W-1615, increasing the rate on lumber shingles and other articles taking lumber rates from British Columbia coast and interior mills to points on its Sault Ste. Marie division, suspended by order of the board No. 20245, should not be disallowed. File 1179-13.

Order made rescinding order No. 20245.

4454. The Canadian Pacific Ry. Co. will be required to show cause why Supplement No. 24 to tariff C.R.C. No. W-1713, increasing the rate on rattan furniture from Vancouver and Victoria, B.C., to points in Manitoba, suspended by order of the board No. 20246, should not be disallowed. File 1179-12.

Board directed that the tariff may become effective.

4455. Application of the North American Smelting Co., Ltd., of Kingston, Ontario, for a reduction of the freight rates on lead ores and silver bearing lead ores from points in British Columbia to Kingston, Ontario, and on pig lead from Kingston to Montreal, Que., Toronto, Ontario, and all other eastern points. File 22013.

Judgment reserved.

4456. The railway companies, through the Canadian Freight Association, will be required to present to the board the bases of joint class and commodity tariffs, not already published and filed, in accordance with the undertaking given the late chief commissioner, for the railway companies, by Messrs. MacInnes and Hayes, on the 10th of April, 1912. (Adjourned hearing.) File 5261, case 1871.

Judgment reserved. Stands to be taken up after hearing of Western Rates Case.



4457. Application of the city of Toronto, Ont., for approval of plans of viaduct carrying a street across the property of the C.P.R., the C.N.O. Ry. and the G.T.R. to connect the existing highway with Danforth avenue, east of the Don river. File 22967.

Application refused so far as it affects the C.P.R. Co.

4458. Application of the C.L.O. & W. Ry. Co., under sections 167 and 178, for an order authorizing (1) a revision in the location of a portion of its line in the town of Cobourg from mile 119.87 to mileage 120.18 from Glen Tay; and (2) the taking of extra land required for right of way purposes from the G.T.R. Co. in lot 17, concession A, town of Cobourg, Ont. File 3701-326.

Order made granting the application; but not to issue until the G.T.R. Co., makes its election in the matter.

4459. Application of the C.L.O. & W. Ry. Co., under section 227 for authority to cross the G.T.R. spur track at mile 120.02 from Glen Tay, in the town of Cobourg, Ont. File 3701-65.

Order made granting the application. Applicant company to insert at its own expense a diamond from the tracks of the G.T.R. Co. Crossings to be protected by interlocking plant. See order 21181.

4460. Application of the corporation of the city of Ottawa, Ont., under section 250, for an order permitting the said corporation to construct and maintain a brick and concrete sewer across the lands of the C.P.R. Co., comprising the Broad street yard of said company, and under the tracks and rails of the said company situated in the said yard. (Adjourned hearing). File 22846.

Order made granting the application.

4461. Application of W. R. Kirk, Foresters Falls, Ont., for an order directing the C.N.O. Ry. to provide a cattle pass on his property on lot 9 (south half), concession 9, township of Ross, Ontario. File 18402-74.

Order made directing the C.N.O.R. Co., to construct a live-stock pass under its railway. See order No. 20677.

4462. Application of the C.P.R., under sections 222 and 237, for authority to construct the tracks of the industrial spur across King Edward avenue, Cumberland and Dalhousie streets, in city of Ottawa, Ont. (Adjourned hearing). File 22366.

Withdrawn by the applicant company, with leave to renew.

4463. Consideration of the matter of requiring railway companies subject to the board's jurisdiction, at points where the decks of turn tables are not already slatted or planked, to either plank the deck of turn tables or slat same with say 3 by 1-inch slats, leaving a space of 1 inch between each slat so as to allow for water leaking from engines or snow melting on the deck to run to the table pit, thus avoiding a collection of ice on the deck in cold weather; in the case of new turn tables ties to be spaced not more than 2 inches apart, or else planked or slatted as above referred to. File 22913.

Board decided that no order is necessary.

4464. Consideration of the matter of requiring railway companies subject to the board's jurisdiction to show cause why they should not equip motor cars used for purposes other than the transfer of passengers, with whistles or bells to be sounded when approaching crossings. File 20350.

No action deemed necessary, the matter having been brought to the attention of the railway companies.

4465. In the matter of the application of the corporation of the city of Berlin, Ont., under sections 247 and 248 of the Railway Act, for an order directing the Canadian Pacific Railway and the Great North Western Telegraph Co. to remove their wires and cables from that portion of Queen street north lying between King street and Weber street in said city, and for an order directing the Bell Telephone Co. of Canada to remove its poles, wires and cables from that portion of King street west lying between Wellington street and the western limits of the said city, and directing

## SESSIONAL PAPER No. 20c

that the said lines of wires and cables be placed and carried in underground conduits. File 22931.

Telephone company to remove its wires from the poles on Queen street, and municipality to allow the companies equivalent right on poles on another street, but to have the right to remove poles from Queen street. Telegraph companies to file particulars of quantities and cost. Bell Telephone Company to furnish board with information and figures mentioned. See also files 22931.1 and 22931.2.

4466. Complaint of the Campbellford Board of Trade, relative to alleged unsatisfactory train service of the G.T.R. at that point. File No. 22343.

- Referred to the Board's engineering and traffic departments to investigate and report upon.

4467. Complaint of the Board of Trade, Picton, Ont., alleging defective train connections by the Canadian Northern Railway Company with the Grand Trunk Ry. eastbound, at Trenton; also insufficient mail service from Picton to Trenton for eastern destinations. File Nos. 23194 and 21772.

Complaint withdrawn, except as to the mail and express service, in respect of which judgment is reserved.

4468. Complaint of the Board of Trade, Picton, Ont., that the joint rates charged by the C.N. Express Co. on fruit from Prince Edward county points are excessive compared with the rates on similar traffic from the Niagara district, particularly to such points as Peterboro and Port Hope, to which distance favours complainants; also alleging defective transfer service for fruit and delays thereto at Trenton Junction. File 4214-391.

Judgment reserved.

4469. Complaint of the Board of Trade, Picton, Ont., that the C.N.O.R. Co. charge excessive freight rates from Trenton to Picton on joint traffic ex-Grand Trunk Railway. File 21771.

Complaint withdrawn.

4470. Application of the C.P.R. Co. for approval of 1-20 foot H.D.P.G. span at 181-29 C.L.O. & W. Ry. File 3701-274.

Order made granting the application.

4471. Application of the C.L.O. & W. Ry. under section 227, for authority to construct across tracks of the Oshawa Electric Ry. at Oshawa, Ont., at mileage 158.85 and 159.02, from Glen Tay at Simcoe and Prospect streets. File No. 3701-34.

Order made granting leave to the applicant company to operate over the crossing until the 1st of June, 1914, crossing to be protected by a flagman appointed and maintained by the applicant company. See order No. 20943.

4472. Application of the C.L.O. & W. Ry. under sections 29 and 237, for an order rescinding order No. 19093, and authorizing it to construct its tracks by means of a grade crossing across Sinclair street, in town of Cobourg, Ont., at mileage 120.6 (from Glen Tay). File 3701-279.

Order made granting the application and rescinding order No. 19093. See order No. 20597.

4473. Application of the town of Cobourg, Ont., for an order requiring the G.T.R. Co. to maintain a watchman at William street crossing, Cobourg, Ont. File 9437-107.

No order made, matter referred to the board's chief engineer.

4474. Application of the C.L.O. & W. Ry. under section 167, for approval of certain further proposed alterations in the location of the railway which was approved by the board by order No. 16454, dated 6th May, 1912, and amended by order No. 20040, dated 8th August, 1913, so as to include within the limits of the right of way covered by such location those portions of lot 3 on the southwesterly side of Seugog street in the town of Bowmanville, required for station grounds. File 3701-183.

Order made approving of the location of the applicant company's station at Bowmanville as applied for. See order 20671.

4475. Application of the C.L.O. & W. Ry. Co. under sections 222, 227 and 237, for authority to construct a business spur from a point on its main line at mile 0 to a point in lot 1, on the northwest corner of Ontario and Dundas streets at mile 1.11 (spur mileage) in the town of Trenton, Ont.; and (2) to construct at grade the tracks of the said spur across the tracks of the C.N.O. Ry. Company's main line and spur track at mile 0.17 of said spur; and (3) to construct the tracks of said spur at grade across Marmora, Baptiste, and Ferry streets, and to close up within the limits of the right of way, Terance, Bocago, Louise, Leopold, Empress, Mary Ann, Hannah, Mary, Paul, Peter, James, Meyers, Cedar, Ann and College streets in the said town. File 3701-347.

Order made granting the application. See order 21480.

4476. Application of the C.L.O. & W. Ry. under section 237, for an order authorizing it to (1) close temporarily for a period of nine months from date a portion of the forced road through lot 24, concession 8, township of Camden, Ontario, mileage 46.3 on the applicant company's line; (2) to construct a temporary road diversion in lieu of portion to be closed in said lot 24; (3) to construct the tracks of its ballast pit spur at grade across said road diversion; (4) to recross at grade, temporarily, the road allowance between lots 24 and 25 with movable spur; and (5) to finally construct roadways to grades as shown on plan filed with the board. File No. 3701-348.

Order made authorizing the applicant company to construct and operate its track for a period of nine months from the date of the order, over the forced road running through lot 24, upon the conditions therein set forth. See order No. 20625.

4477. Application of George Wedlake, of Brantford, Ontario, under sections 252 and 253, for an order directing the L.E. & N. Ry. to provide and construct suitable farm crossings by means of level crossings and subway on his farm in the township of Brantford, Ontario. File 18034-45.

Application refused.

4478. Application of the residents of West Hamilton and the township of Ancaster, Ontario, for an order directing the T.H. & B. Ry. Co. and the Hamilton and Dundas Electric Railway to construct public crossings across their tracks at Leland street, Emerson avenue, Broadway avenue, and Bowman street in West Hamilton, Ontario. File 23195.

Order made authorizing the township of Ancaster at its own expense to construct and maintain Broadway avenue across the tracks of the railway company. Application as to removal of crossing dismissed. See order 20613.

4479. Application of the township of Saltfleet, Ont., to construct highways across the right of way of the T.H. & B. Ry. Co. being known as "Cochrane" and "Rosseau" roads in lot 34, concession 4, township of Saltfleet, Ontario. File 22692.

Order made granting the application at the expense of the township of Saltfleet. Application to cross Rosseau road refused. See order 20648.

4480. Application of the T.H. & B. Ry. Co. to close and divert highway between lot 5, concession 12, and lot 5, concession 13, in township of Pelham, Ontario. (Re-hearing.) File 21620-9.

Order made authorizing the railway company to divert the two highways between lot 5, concession 12, and lot 5, concession 13, and lots 6 and 5, concession 12, and to construct a right angle crossing half-way between the two crossings. Order No. 20134, dated August, 1904, rescinded in part. See order 21400.

4481. Consideration of the matter of protection at the crossing of the T.H. & B. Ry. main line at Emerson street, West Hamilton, Ont. File 9437-1011.

Struck off the list.

4482. Application of the L.E. & N. Ry. for an order giving the said company the right to operate temporarily for construction purposes over the tracks of the Grand Valley Ry. Co. over diamond recently installed in pursuance of order No. 19248, until such time as the interlocking plant can be installed. File 18034-15.



## SESSIONAL PAPER No. 20c

Order made granting the application, trains and cars of the applicant company and of the Grand Valley Railway Co. to be flagged over the crossing. See order 20395.

4483. Application of the Lake Erie and Northern Railway Co., under section 227, for approval of the crossing at grade of the tracks of the Grand Valley Railway Company near Paris, Ont. File 18035-16.

Order issued to stand with liberty to the Grand Valley to apply again to the board if it so desires.

4484. Application of the L.E. & N. Ry. Co. for an order amending order No. 19304 by striking out the words "Brantford Street Railway Company," in paragraphs 3 and 5 of the operative part of said order, and substituting therefor the words "applicant company." File 18034-18.

Order made rescinding order No. 19468, dated June 4, 1913, and declaring Lake Erie and Northern Railway Company to have seniority as to trains over the Brantford Street Railway Company until further orders of the board. See order 20678.

4485. Application of the L.E. & N. Ry. Co. for an order to amend order No. 19227, granting it leave to divert the rails of the Grand Valley Railway in the township of North Dumfries, Ontario. File 18034-22.

The railway company to be allowed to shift the track at its own expense between 11.30 p.m., October 13, 1913, and 8.30 a.m., October 14. Mr. James for the Grand Valley to be present when the work is being done, and to see that no objection is offered to the company in doing the work.

4486. Application, L.E. & N. Ry. Co., under sections 158 and 159 for approval of plans, profile and book of reference showing part of general location of proposed line from the city of Brantford to the village of Port Dover, Ont. File 18034-33.

Stands. The reeve to advise the board and railway company whether he can get the land to take the railway off the right of way.

4487. Application of the L.E. & N. Ry. Co., under section 176, for authority to expropriate certain lands of the Grand Trunk Railway, in the village of Port Dover, Ontario. File 18034-35.

Application stands to enable the parties to reach an arrangement as to a proper basis for joint user.

4488. Application of the L.E. & N. Ry. Co., under sections 158, 159 and 167, for sanction and approval of plan, profile and book of reference showing deviation in said railway between stations 745-00 and 793-00 in township of Townsend, Ontario. File 18034-47.

Order made granting application.

4489. Application of the L.E. & N. Ry. Co., under section 237, for approval of the highway crossings of the said railway within the township of Townsend, Ontario. File 18034-48.

Order made granting application.

4490. Application of the L.E. & N. Ry. Co., under sections 158, 159 and 167, for approval of plan, profile and book of reference showing a deviation in said railway between stations 538-52.8 and 553-19.3 in the township of South Dumfries, Ontario. File 18034-49.

Order made granting the application, subject to the conditions set forth in the order. See order No. 20647.

4491. Application of Messrs. Grand Gypsum, Ltd., Hamilton, Ontario, for an order directing the G.T.R. Co., to construct a siding from its railway to the applicant lands situate in the township of North Cayuga, Ontario, being composed of the south half of Lot No. 45, concession 1, north of the Talbot road in the said township of North Cayuga, excepting thereout that portion of the said lands conveyed to the G. T.R. Co. File 22370.11.

Order to go in the terms of the oral judgment delivered at the hearing.

4492. Application of the G.T.R., under sections 222, 227 and 237, for authority to construct a siding from a branch line of railway to and into the premises of the Oneida Lime Co., Ltd., thence crossing the side road between the lots 48 and 49, concession 1, township of North Cayuga, Ontario, to and into the premises of the Pilkington Bros., Ltd., on the north half of lot 48, concession 1, township of North Cayuga, Ontario. File 23031.

Stands to enable the parties to come to an arrangement if possible. If not, the matter to be spoken to again.

4493. Application of the G.T.R., under sections 222 and 237, for authority to construct certain sidings from a point on the 16th District Northern Division of the applicant company's railway, west of what was formerly Sherman avenue, Hamilton, Ontario, thence crossing Gilkinson street, what was formerly Sherman avenue to and into the premises of the International Harvester Company of Canada, Ltd., on parts of lots 8 and 9, concession 1, township of Barton, in the city of Hamilton, Ontario. File 22018.

Order made granting application.

4494. Application of the corporation of the city of Hamilton, Ontario, under section 237, for an order compelling the T.H. & B. Ry., Co., to abandon its entrance into the city via Hunter street and adopt, in conjunction with the G.T.R. and C.N.O.R., a common location in the north end of the city. File 23009.

See judgment, Chief Commissioner, dated 3rd September, 1913. Appendix "C."

NOTE.—The corporation of the city of Hamilton have appealed from the decision of the board to the Supreme Court of Canada.

4495. Application of the city of Hamilton, Ontario, for an order providing for separate grades at the intersection of Burlington street and the railway crossing at Irondale into the plant of the Steel Company of Canada, Ltd., and the International Harvester Company of Canada, Ltd., at the cost of the T.H. & B. Ry. Co., the Hamilton Street Railway Company, the G.T.R., the C.P.R., and the Hamilton Radial Electric Railway Company, the Steel Company of Canada and the International Harvester Company of Canada. File 23032.

Order made amending order No. 19764 by striking out section 2 and substituting clause therefore set out in order. Also extending time for completion of the work to 30th January, 1914. See order 20704.

4496. Application of the corporation of the city of Hamilton for an order varying order No. 19764, in the matter of an application of the T.H. & B. Ry. Co., under sections 221, 222 and 223, for authority to construct two spurs in the city of Hamilton, Ont., from a point on the northerly limit of the right of way of the G.T.R. Northern and Northwestern Division thence through the lands of the Steel Company of Canada, Ltd., and crossing Hamilton Radial Electric Company and highway known as Burlington street (formerly Gilkinson street) to and into the lands of the Steel Company of Canada, Ltd.; (2) for an order under sections 235 and 237 authorizing the applicants to cross at grade the said Burlington street; (3) for an order under section 227 for authority to cross at grade the railway of the Hamilton Electric Railway Co. File 22050.

Order made amending order No. 19764 by striking out section 2 and substituting clause therefor set out in order, also extending time for the completion of the work to 20th January, 1914. See order 20704.

4497. Application of the corporation of the city of Hamilton, Ont., for an order directing the T.H. & B. Ry. Co. to provide watchman and gates at the intersection of the company's northerly spur or branch railway with Barton street in the said city of Hamilton, Ont. File 18946.

Struck off the list.

## SESSIONAL PAPER No. 20c

4498. Application of the T.H. & B. Ry. Co. to construct and operate a branch line in the city of Hamilton across Sherman avenue, Earle street, Gibson avenue, the tracks of the Hamilton Electric Radial Railway, Rosedale avenue, Princess street, and Milton avenue, and certain lanes to the lands and premises of the Canadian Westinghouse Co., and in the matter of order 18834, dated March 7, 1913, extending the time within which the city of Hamilton be required to make the excavation to the northern limit of the T.H. & B. Ry. Co.'s tracks.

NOTE.—The question to be considered in connection with the orders issued herein is that of the seniority of the parties. File 16748.

City declared to be senior at the point in question.

4499. Application of the T.H. & B. Ry. Co. under sections 221, 222 and 223, for authority to construct a spur with two branch lines therefrom in the city of Hamilton, Ont., to and into the premises of the Canadian Westinghouse Co., Ltd., and for an order under sections 235 and 237 for authority to cross at grade the highway known as Aberdeen avenue with said branch line in city of Hamilton, and also for an order under section 227, for authority to cross at grade the tracks of the Hamilton and Dundas Street Railway on Aberdeen avenue. File 22581.2.

Order made granting the application subject to the conditions set forth in the order. See order No. 20711.

4500. Application of T. W. Murray, under section 226, for an order directing the C.P.R. to construct a spur from the Muskoka Subdivision into the east half of lot 1, township of Vaughan, and lot 25, township of York, Ontario. File 22370.5.

Application dismissed, new plans to be drawn and filed in accordance with suggestions made at the hearing.

4501. Application of the Dominion Transportation Company, for an order directing the Algoma Central Railway Co., to allow the applicants to continue to make use of the landing wharf or dock at Michipicoten, Ont. File 17990-10.

4502. Application of the C.P.R. under sections 222 and 237, for authority to construct a spur for the McCormick Manufacturing Company, Ltd., London, Ont., from a point on applicant company's main line, London, S.D., thence across Middleton avenue, Princess avenue, Mugan avenue, Torrystal avenue, and Nightingale avenue, and across subdivision lots 34, 45, 54, 62, 68, 67, 66 and 20, a subdivision of township, lot 10, and subdivision lot 3, lot 10, to and into the premises of the McCormick Manufacturing Company, Ltd., situate in lot 9, concession 1, township of London, Ontario. File 23108.

Order made. G.T.R. to make its submissions in writing within one week. If not filed within that time, order to issue.

4503. Complaint of Samuel Sharpe, M.P., and municipalities of Campbellford, Hastings, Sterling, and others, relative to the train service of the G.T.R. between Toronto and Peterboro, Ont. File 21737.

Matter referred to the board's engineering and operating departments to investigate and report upon.

4504. Application of the O. & Q. Ry Co., under section 237, for authority to construct the tracks to the freight sheds in yard at Peterboro, Ont., across King street in said city of Peterboro, and to change the alignment and grade of other two tracks across said King street, city of Peterboro, Ont. File 22915.

Order made granting the application.

4505. Application of the G.T.R. under sections 222, 227 and 237, for authority to construct a siding from a point on its right of way north of Guelph street, in town of Preston, Ont., thence extending along said right of way and crossing at grade, the Galt Preston and Hespeler Ry., Laurel street and Wellington street, in said town of Preston, to the easterly side of William street in said town. File 23117.

Application struck out with liberty to renew at any time.



5 GEORGE V., A. 1915

4506. Application of the C.L.O. & W. Ry., under sections 258, for approval of location of station at Lonsdale, in lot 22, concession 2, township of Tyendinaga, Ontario, at mileage 63.87 from Glen Tay, Ont. File 3701-329.

Order made granting the application and providing that when the traffic on the highway is blocked for more than five minutes at any one time, the board shall be at liberty to relocate the location of the said station. See order 20652.

4507. Application of the C.P.R. under section 237, for authority to construct by means of a grade crossing across the tracks of the ballast pit spur, across the road allowance between Indian reserve and the township of Thessalon, Ontario, at mileage 3.08, of said ballast pit spur. File 23180.

Order made granting the application subject to conditions set forth in the order. See order 20670.

4508. Application of the town of Lindsay, Ont., for an order directing the G.N.W. Telegraph Company to remove its poles from a certain portion of Kent street, in town of Lindsay, Ont. File 22901.

Order made directing the G.N.W. Telegraph Co. to remove telegraph wires and poles on Kent street between Victoria avenue and Lindsay street, also to remove telegraph wires on Victoria and Lindsay streets between Russell and Kent streets, and to make certain other changes as set forth in the order, any dispute which may arise as to the nature or cost of the work to be settled by the board's electrical engineer. See order 21734.

4509. Application of the G.T.R. under section 237, for authority to construct an additional railway track across Thompson road, in the township of Bertie, Ontario, to be used in connection with proposed extension of the applicant company's yards at Bridgeburg, Ont., and Fort Erie, Ont.

NOTE.—The board will consider the question of settlement of the plans having particular regard to the track of the Pere Marquette Railway Company. File 9437-933.

Order made amending order No. 19215, dated May 6, 1913, by providing that the cost of maintaining the subway be paid, 15 per cent by the P.M.R. Co., 30 per cent by the M.C.R., 47½ per cent by the Grand Trunk and 7½ per cent by the township of Bertie. Applicant company to file amended plans by November 30, 1913. See order 20701.

4510. Application of G.T.R. for an order directing that the C.P.R. should pay the whole of the additional cost of protection at crossing of the G.T.R. by the C.P.R. in the west half of lot 14, concession 2, township of Trafalgar, mileage 32.56 from Toronto, Ont., as provided for by order No. 19853, dated July 19, 1913, and two-thirds of the maintenance and operation of the same. File 22282-3.

Order made directing that the cost of installing the diamond be borne by the C.P.R. Company and that the cost of maintenance and additional protection be paid, one-half by the C.P.R. and one-half by the G.T.R. Companies. See order 20664.

4511. Consideration of the matter of protection at the crossing of the G.T.R. over the first highway east of Clarkson station, Ont. File 9437-802.

Order made directing the G. T. R. Co. to instal gates at the said crossing to be operated by day and night watchmen question of apportionment of cost and maintenance reserved. Gates to be erected by January 21, 1914. See order 20618.

4512. Application of the C.N.O.R., under section 178 for authority to take a portion of lot 13, concession 1, township of Nipigon, Ontario. File 9188.145.

Order to go in terms of consent, order to be filed.

4513. Application of A. R. Farewell, Oshawa, Ont., under sections 252 and 253 for an order directing the C.L.O. & W. to provide and construct a suitable farm crossing where the company's line intersects his farm in lots 17 and 18, concession 1, township of East and West Whitby, Ontario. File 3701-340.

Order made directing the railway company to construct an undercrossing. Work to be completed by the 11th February, 1914. See order 20817.

## SESSIONAL PAPER No. 20c

4514. Application of the municipality of the village of Weston, Ont., for an order rescinding order No. 17472, authorizing the Toronto Suburban Railway Company to cross with its tracks the tracks of the Grand Trunk Railway Co., at Weston road near the north limit of the village by means of an undercrossing. File 20188.

Struck off the list, to be brought on again whenever the village of Weston or the Toronto Suburban Railway desire it.

4515. Application of the G.T.R., under section 237, for authority to construct across Spadina avenue, Toronto, seven additional tracks at grade, to be used in connection with its proposed roundhouse east of Spadina avenue, Toronto, Ont. (Adjourned hearing). File 21339.

Struck off the list.

4516. Application of the G.T.R., under sections 222 and 237, for authority to construct a siding and spur therefrom, from a point on its railway west of Abell street, Toronto, Ont., thence crossing certain lands of the Canadian Rumely Co., Ltd., and upon, along and across Sudbury street to and into the premises of the Massey-Harris Co., Ltd., north of Armour street in the city of Toronto, Ont. (To be spoken to). File 20706.

Order made granting the application. See order 20663.

4517. Application of the township of Toronto, Ontario, for an order directing the G. T. R. Co. to instal an electric bell at crossing on third line west of Etobicoke river, between lots 5 and 6, concession 2, south of Dundas street in said township. File 9437-1038.

Order made directing the railway company to instal an automatic electric bell at the said crossing and maintain it at its own expense; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the balance by the railway company. See order 20620.

4518. Application of the Canadian Pacific Railway for approval of plan showing general layout of new steel trestle required for double track bridge 94-4 Toronto subdivision, Don viaduct. File 22262-6.

Referred to chief engineer to inspect and report.

4519. Application of the O. & Q. Ry. Co. (C.P.R.) under section 237, for an order authorizing proposed change of present grade crossing in road allowance between lots 24 and 25, concession 3, township of Scarboro, Ontario, and the construction of an additional track by means of a grade crossing across said road allowance at mileage 87-9. File 22262-8.

Order made granting application. See order No. 20650.

4520. Application of the C.P.R. under section 237 for authority to change the present grade crossing in road allowance between concessions 2 and 3, township of Scarboro, Ontario, and to construct an additional track across the said road allowance at mileage 88-2. File 22262-10.

Judgment reserved. See order 20217.

4521. Application of the O. & Q. Ry. Co. (C.P.R.) under section 237, for authority to change the present grade crossing in road allowance between lots 28 and 29, concession 2, township of Scarboro, Ontario, and to construct an additional track (double track) across said road allowance at mileage 89-0. File 22262-12.

Judgment reserved. See order 20216.

4522. Application of O. & Q. Ry. Co. (C.P.R.) under section 237, for an order authorizing it to close the limits of the right of way road allowance between concessions 1 and 2, township of Scarboro, and road allowance between lots 22 and 23, township of Scarboro, Ontario, and to construct a road diversion in lieu of said portions to be closed in lot 32, and construct its tracks across said diversion at mileage 90-4. File 22262-13.

Order made directing the applicant company to construct a road diversion in

lot 32, concession 1, township of Scarboro, and to cross by means of a grade crossing at mileage 90.4. See order 20651.

4523. Application of the C.P.R. Co. (Ontario and Quebec Ry. Co.) under section 237, for authority to change present grade crossing in road allowance between lots 34 and 35, concession 1, township of Scarboro, Ontario, and to construct an additional track (double track) across said road allowance at mileage 91.2. File 22262-14.

Order made authorizing the applicant company to change the present grade crossing on road allowance between lots 34 and 35, concession 1, township of Scarboro, and to construct an additional double track by means of a grade crossing. See order 20653.

4524. Application of the C.N.O. Ry. under sections 227 and 237 for authority to construct its line of railway across Davenport road in city of Toronto, Ont., and to cross the tracks of the Toronto Suburban Railway Company by means of an overhead structure. File 12021-86.

No action taken.

4525. Application of the C.N.O.R. under sections 167 and 151 for sanction and approval of the revised location of its line of railway through the township of York and part of the city of Toronto, Ont., mileage 2.23 to mileage 6.16 from Yonge street, Toronto, Ont. File 12021-131.

Order made approving of the revised location of the applicant company upon certain conditions set forth in the order. See order No. 20673.

4526. Application of the C.N.O.R. under section 167, for sanction and approval of the revised location of its line of railway through the township of Etobicoke, Ontario, mileage 5.90 to mileage 10.35 from Yonge street, Toronto, Ont. File 12021-133.

No action taken pending approval of application.

4527. Application of the C.N.O.R. under section 227 for authority to construct its line and tracks across the lines and tracks of the C.P.R. between lots 8 and 9, concession 4, township of Etobicoke, at mileage 9.45 from Yonge street. File 12021-149.

No action taken pending approval of location.

4528. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across Church street, between lot 1, concession "C" and lot 10, concession "B," township of Etobicoke, Ontario. File 12021-150.

No action taken pending approval of location.

4529. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across Dundas street between lots 9 and 10, concession "B," township of Etobicoke, Ontario. File 12021-151.

No action taken pending approval of location.

4530. Application of the C.N.O.R. under section 159, for approval of location of proposed entrance to the city of Toronto, township of York, mileage 251.84 to mileage 254.3, from Ottawa, Ont. File 3878-453.

Plans to be prepared and submitted to the parties interested. Matter not to be set down again unless directed by the board.

4531. Application of the C.N.O. Ry., under section 237, for authority to construct its line of railway across Dawes road between the townships of York and Scarboro, Ontario. File 3878-544.

Order made granting the application. See order 20640.

4532. Application of the C.N.O. Ry., under section 237, for authority to construct its line of railway across Eglinton avenue between lot 1, concession 4 and lot 5, concession 3, township of York, Ontario. (Adjourned hearing.) File 3878-546.

Order made granting the application. See order 20656.

4533. Application of the C.N.O. Ry. under section 237, for authority to construct its line of railway across the Don Mills road in lot 1, concession 3, F. Y. township of York, Ontario. (Adjourned hearing.) File 3878-548.

Order made granting the application. See order 20642.



## SESSIONAL PAPER No. 20c

4534. Application of the C.N.O. Ry. under section 237 for authority to construct its line of railway across the public road between lots 34 and 35, concession "C 2," township of Scarboro, Ontario. File 3878-553.

Order made granting the application. See order 20641.

4535. Application of the C.N.O. Ry. under section 237, for authority to construct its line of railway across Winchester street in city of Toronto by means of a structure carrying the railway over the highway. File 3878-561.

Plans to be prepared and submitted to parties interested. Not to be set down again unless specially directed.

4536. Application of the city of Toronto, under sections 237 and 238 for an order authorizing the reconstruction of the bridges at Moore avenue, partly in the city of Toronto and partly in the township of York carrying the highway over the tracks of the Belt Line railway and for directions as to preparations of plans and profiles for the erection of such bridge. File 23190.

Stands to enable the parties to ascertain the facts and to submit the same to the board regarding the bridge.

4537. Application of the city of Toronto, Ont., under section 30, for an order requiring the C.P.R. to so equip or operate their roundhouse situated immediately east of John street and opposite the main pumping station of the applicant so as to prevent the emission of smoke which is causing serious damage and loss to the electrical pump of the applicant in the said pumping station. File 23177.

Judgment reserved, matter referred to the board's chief operating officer to investigate and report upon.

4538. Application of the city of Toronto, Ont., under sections 237 and 257, for approval of plan showing the reconstruction of bridges across the tracks of the G.T.R. and C.P.R. at Strachan avenue, Toronto, Ont. (Adjourned hearing.) File 21673.

Order made granting the application, subject to the conditions set forth in the order. See order 20643.

4539. Application city of Toronto, Ont., for an order directing the G.T.R. and C.P.R. to carry York street and certain other streets in the said city under the tracks of the said railway companies.

NOTE.—This matter has been set down for the purpose of fixing the time for the commencement and for the completion of the work ordered by the board herein. File 588; case 3322.

Plans approved and work to be commenced forthwith. As to the new station the railway companies to advise the board within a fortnight whether the organization referred to to-day has been completed.

4540. Complaint of the rural municipality of Brokenshell, No. 68, Saskatchewan, relative to the road allowance taken by the C.P.R. between the east halves of sections 8 and 17, township 8, range 17, west of the 2nd meridian, Trossachs, Sask. File 8262-50.

Order made directing the C.P.R. Co. to construct a roadway 66 feet wide at the said point of crossing, work to be completed within 60 days from the date of the order. Question of apportionment of cost reserved. See order No. 21821.

4541. Application of J. S. Wiens, Herbert, Sask., for an order directing the C.P.R. to provide a cattle pass on his property on S.W.  $\frac{1}{2}$  of section 10-17-10, west 3rd meridian, Saskatchewan. File 22689.

No order made.

4542. Application of the town of Estevan, Sask., for authority to construct a branch line of railway to connect the tracks of the C.P.R. with the tracks of the C.N.R. in the easterly end of the town. File 6713-47.

Matter referred to the board's chief engineer and chief operating officer for investigation and report. Judgment reserved in the meantime.

5 GEORGE V., A. 1915

4543. Application of S. A. Hamilton Co., Ltd., of Moosejaw, Sask., for spur track-  
age to lot 1, to 12, block 24, Prairie Heights, Moosejaw, Sask., on the line of the  
C.P.R. to serve lumber and coal yards. File 22980-3.

Order made directing the C.P.R. Co. to construct a spur to the premises of the  
S. A. Hamilton Co., Ltd., in the city of Moosejaw, upon the terms set forth in the  
order. Work to be completed within 21 days from the date of the order. See order  
No. 21679.

4544. Application of the residents of the city of Moosejaw, Sask., for an order  
directing the C.P.R. to construct overhead bridge over Eighth avenue, Moosejaw, Sask.  
File 16165.

Order made directing the C.P.R. to construct a bridge with a roadway 30 feet wide  
over its tracks on Eighth avenue, west, Moosejaw, and an extension sidewalk 6 feet wide  
on one side of the bridge; \$5,000 of the cost of construction to be paid out of the Rail-  
way Grade Crossing Fund, 75 per cent of the balance to be paid by the railway com-  
pany, and 25 per cent by the applicants. Order No. 17206 rescinded. See order 20868.

4545. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to  
delay by G.T.R. in completing its line to Moosejaw, and the erection of station there.  
File 10863-62.

No formal order made. G.T.P., however, to put in temporary facilities both for  
passenger and freight traffic, company undertaking to see that this is done within  
fifteen days.

4546. Complaint of Messrs. the Robert Hay Co., of Toronto, Ont., *re* delays in  
placing of cars at Toronto yards and request for a ruling of the board with reference  
to matter of demurrage charged by the G.T.R. on car of hay billed to Toronto but  
standing for some time on Cripple Creek track at Mimico undergoing repairs. File  
1700-48.

Demurrage charges to be refunded to the complainant company.

4547. Application of the Howell Co., of Toronto, Ont., for a reduction in the  
import rate on wood pulp, Montreal to Windsor Mills, Que. (Adjourned hearing.)  
File 22388.

Order made directing the G.T.R. Co. to establish and put into force rate of 8  
cents per 100 pounds on imported wood pulp, in carloads from Montreal harbour to  
Windsor Mills, Que., rate to include those terminal charges at port of Montreal which  
are included in the rates of the G.T.R. Company's general tariff on import merchan-  
dise, as published and filed. See order No. 21148.

4548. Application of the Dominion Sugar Company, Ltd., of Wallaceburg, Ont.,  
for a readjustment of the rates on sugar, in carload quantities from Wallaceburg to  
Toronto, and from Wallaceburg to Hamilton, over the lines of the C.P.R., G.T.R.,  
Pere Marquette and Chatham, Wallaceburg and Lake Erie Ry. Companies. (Re-  
hearing.) File 21732.

Board directed railway companies to file replies within three weeks from receipt of  
copy of memorandum furnished by the applicant company.

4549. Complaint of Mr. S. C. Knowles, Toronto, Ont., relative to refusal of Bell  
Telephone Company to give him service unless he pays the cost of construction on the  
highway over and above present telephone service charges. File 3574-97.

Struck out, the matter having been settled between the parties.

4550. Application of the Bell Telephone Company, of Canada, for an order  
rescinding order No. 14184 in so far as it concerns the Ingersoll Telephone Company,  
Ltd. Application of the Markham and Pickering Telephone Company, Ltd., and other  
companies to have the order No. 14184 for long distance varied. File 16171.

In so far as connection between the Bell and non-competitive companies is con-  
cerned, the existing order is to remain except that the penalty of 15 cents is struck  
out. Judgment reserved as to remainder of application.

## SESSIONAL PAPER No. 20c

4551. Complaint of the Rosedale Sawmill Co., of Toronto, (a) against the increase in the Canadian Northern Ontario Railway's switching charge from their siding to the C.N.O. Ry. interchanges with the C.P.R. and G.T.R. in the Toronto terminals; (b) against the increased switching charges from the said interchanges to the various points of delivery within the Toronto terminals; (c) that the Grand Trunk and Canadian Pacific Ry. Companies refuse to place their cars for unloading on team tracks within the Toronto terminals; (d) that in its rates for the haulage of logs to complainant's mill, the C.N.O.R. discriminates against them, and in favour of the Holt Lumber Company; (e) that the C.N.O. Ry. Co. disregarding its agreement with the complainants, refuse to reimburse to them the cost of their construction work on their siding.

NOTE.—The C.N.O.R. Co. will be required to explain its failure to furnish the board and complainants with the facts and figures information asked for at sittings in Toronto, July 15. File 22269.

Canadian Northern Company to file information asked for within one week. Copy to be forwarded to the complainants.

4552. Complaint of J. G. Cane & Co. of Toronto, Ont., against the increased charges of the C.N.O.R. and C.P.R. Companies for switching cars from the Rosedale Sawmill Company's C.N.O.R. siding to the C.P.R. North Toronto yards. (Supplementary to the complaint of the Rosedale Sawmill Company.)

NOTE.—The C.N.O.R. Co. will be required to explain its failure to furnish the board and complainants with the facts and information asked for at sittings in Toronto July 15. File 22536.

Canadian Northern Company to file information asked for within one week. Copy to be forwarded to the complainants.

4553. Railway will be required to speak to application of the Canadian Manufacturers Association for an order requiring the company to pay interest on unsettled claims after thirty days. File No. 22960.

Board held it had no jurisdiction to deal with this application.

4554. Consideration of the question whether, because any necessity for diverting grain to "Hospital" elevators of Port Arthur and Fort William cannot be determined until after inspection in transit, such grain should not be exempted from the operation of clause 3 of the General Interswitching Order No. 4988, and made subject to the toll prescribed in clause 4 thereof, as, it is alleged, has hitherto been the practice of the railway companies. File No. 22969.

Board decided that no order was necessary.

4555. On the complaint of W. G. McMahon, of Winnipeg, against the Canadian Northern Railway Co., the railway companies will be required to show cause why shipments consigned to "order" should not be accepted by the companies for flag station destinations.

Order made that all railway companies subject to the jurisdiction of the board accept freight consigned "to order" for delivery at flag stations under provisions set forth in the order. See General Order No. 118.

4556. Consideration of item 8, page 4, of Supplement 2, to the Canadian Freight Classification No. 16, submitted for the approval of the board, proposing the rating of 6th class for elevator guides, iron or steel, in earloads. File 19367-18.

Order made that proposed Supplement 2 to Canadian Freight Classification No. 16 as finally revised and submitted for approval, be approved to become effective not later than January 20, 1914. See order 20967.

4557. Complaint of H. E. Knight, of Grand Forks, B.C., relative to alleged unfinished condition of the fencing on the line of the Spokane Falls and Northern Railway on his property on their line between Spokane and Grand Forks, B.C. File 9994-120.



No action taken, railway company advising that the matter had been disposed of and that the company had undertaken to do the fencing.

4558. Complaint of P. R. Finlayson, of Okanagan Landing, British Columbia, relative to C.P.R. closing its crossing giving access to the railway station at that point. File 21905.

Referred to the board's engineer for investigation and report.

4559. Complaint of Wm. Neilson, of Fruitvale, B.C., that the Great Northern Railway Co. refuse to sell reduced fare tickets from stations where there are no agents.

No order made. See judgment of chief commissioner at the hearing.

4560. Application of E. J. Evans, Lorne Creek, B.C., for an order directing the G.T.P. Ry. to construct a crossing on the line of railway near Doreen Station, B.C. File 3452-67.

No action taken. Matter satisfactorily arranged.

4561. Application of the municipality of Surrey, B.C., for an order directing the Great Northern Railway Company to enlarge their culvert on the Clover Valley road at Tynehead station, B.C. File 23172.

Order made directing the Great Northern Railway Company to construct an open ditch at the north side of its railway, as set forth in the order, the drainage of the land to the south of the track to be attended to by the municipality. See order 20902.

4562. Petition of the Barnes Estate, Ltd., and others protesting against the proposed action of the C.P.R. to abandon their present right of way through the town of Walhacín, B. C.

No order made as no application made by railway company for permission to move the station.

4563. Application of the corporation of the city of Port Moody, B.C., for an order directing the C.P.R. to construct a suitable crossing where the said railway company's railway crosses Moody street and remove the fences across Moody street on each side of its right of way, in the city of Port Moody, B.C. File 23259.

Application withdrawn.

4564. Application of the corporation of the city of Port Moody, B.C., for an order directing the C.P.R. to provide and maintain at its own cost, an electric alarm bell at Kyle street where the line of said railway crosses the street in the city of Port Moody, B.C. File 9437-1056.

Order made directing the C.P.R. Co. to install automatic bells at the crossing in question by the 4th May, 1914, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund and the balance to be paid by the railway company. Bells to be maintained at the company's expense. See order 21444.

4565. Application of the corporation of the city of Port Moody, B.C., for an order directing the C.P.R. to provide and maintain at its own expense an electric alarm bell at Queen street where the line of said railway crosses said street in the city of Port Moody, B.C. File 9437-1057.

Order made directing the C.P.R. Co. to instal automatic bells at the crossing in question by the 4th May, 1914, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund and the balance to be paid by the railway company. Bells to be maintained at the company's expense. See order 21444.

4566. Application of the Wellington Colliery Co. to cross the Esquimalt & Nanaimo Railway tracks at station 312-749 mile 5-29 of the Wellington Colliery Company's line. File 23079.

Order made granting the application subject to the terms and conditions set forth in the order, each of the companies to bear half of the cost of expense of maintaining the said crossing and half the expense of installing and maintaining a full interlocking plant. See order 20688.

## SESSIONAL PAPER No. 20c

4567. Application of the Esquimalt & Nanaimo Railway for authority to cross the tracks of the Wellington Colliery Company at mile 40.55 of the extension of the E. & N. Ry. from McBride Junction to Courtney, B.C., at or near the Trent river, B.C. File 6052-38.

Order made granting the application, each company to bear half of the cost of constructing and maintaining the said crossing and the wages of the watchman. See order No. 20687.

4568. Application of the V. V. & E. Ry. and Navigation Co. under sections 178, 180 and 237, for authority to expropriate certain lands in the district of New Westminster, British Columbia, for the purpose of diverting Gunn road and Brunette road and providing an overhead crossing from its tracks at North road and for the purpose of its railway; and for authority to close portions of the said Gunn road and Brunette road.

And application of the municipality of Coquitlam, to prevent the V.V. & E. Ry. and Navigation Co. interfering with the North road. File 572-33.

Upon the report of the board's engineer it was decided that no order was necessary.

4569. Application of the Columbian Pulleys, Ltd., of Vancouver, B.C., for an order directing the express companies to extend their express delivery limits so as to include their factory at 18th and Fraser avenues, Vancouver, B. C. File 4214-142.

Application withdrawn.

4570. Application of the Central Convention of Farmers' Institute, dated Victoria, January 21-23, 1913, transmitted through the Department of Agriculture of British Columbia for the privilege of shipping mixed carloads of flour and feed (in sacks) and baled hay and straw at carload rates. File 23264.

Judgment reserved.

4571. Application of A. E. Burnett & Co., of Vancouver, B.C., for a permanent interswitching service between the Great Northern (V.V. & E. Ry.) and Canadian Pacific Railway Companies, at or near the Powell street crossing of the companies' lines in the city of Vancouver, B.C. File 6713-10.

Railway companies undertook to have the work completed in accordance with the plans filed by the 27th November.

4572. Complaint of the Great Northern Railway Company, relative to the C.P.R. Co., handling of shipment of fresh fish from Vancouver to Toronto and Montreal and refusal of the C.P.R. Co. to switch any more cars for the complainants. File 23212.

Judgment reserved.

4573. Application of the Dominion Express Company, for approval of delivery limits in the city of Vernon, B.C. File 4214-250.

Order made that until further order the tolls of the express company shall include collection and delivery of express freight in all thoroughfares reasonably passable for express waggons in that portion of the city of Vernon as set out in the order. See order 21089.

4574. Application of the Maple Ridge Board of Trade of Haney, B.C., for an order directing the C.P.R. to instal protection gates and gongs at railway crossing at Maple Ridge, B.C. File 9437-1059.

No order necessary.

4575. Application of the Port Hammond Board of Trade of Port Hammond, B.C., for an order directing the C.P.R. to instal protection at crossings (gates and gongs) at Port Hammond, B.C. File 9437-1058.

Order made directing the C.P.R. Co. to instal an automatic bell at the said crossing and to maintain the same at its own expense, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund and the balance by the railway company. See order 21241.

5 GEORGE V., A. 1915

4576. Application of the Port Hammond Board of Trade, of Port Hammond, B.C., for an order directing the C.P.R. to instal protection (gates and gongs) at railway crossings at Port Hammond, B.C. File 9437-1060.

Order made directing the C.P.R. Co. to instal an electric bell at the said crossing within 60 days from the date of the said order, 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the balance by the railway company. See order No. 21831.

4577. Complaint of Maple Ridge Board of Trade, B.C., and the Port Hammond Board of Trade, Port Hammond, B.C., relative to matter of reducing week end fares to Vancouver, via the C.P.R. File 16093.

Order made refusing the application.

4578. Complaint of the Cowichan Ratepayers Association, Cowichan, B.C., relative to the delivery of damaged freight and milk cans at Hillbank station on the Esquimalt and Nanaimo Railway. File 22778.

No order necessary.

4579. Application of the city of New Westminster, B.C., for an order directing the V.V. & E. Ry. & Navigation Co. to pay the cost or so much of the cost as the board may direct of constructing concrete retaining wall 650 feet long in place of wooden cribwork between Columbia street and line of railway in front of penitentiary grounds, city of New Westminster, B.C. File 23279.

No order issued as no action necessary.

4580. Application of the Esquimalt and Nanaimo Railway for an order approving the crossing by a spur track of the railway at Cowichan lake of the road to the station at that point.

Order made granting the application. Detail plans to be filed.

4581. Application of the Esquimalt and Nanaimo Railway Company for an order approving construction across Campbell street in the city of Nanaimo of a spur track to the premises of the Nanaimo Pressed Brick and Terra Cotta Company.

Order made granting the application.

4582. Application of the Esquimalt and Nanaimo Railway Company to cross the railway of the Anderson Logging Company. File 22196.

Order made granting the application, crossing to be protected by an interlocking plant operated and maintained by the applicant company. See order No. 21421.

4583. Application of the residents of White Rock and Crescent, B.C., for an order that week end rates on the C.N.R. be kept in force for the whole year instead of for the summer months and that excursion rates be allowed on holidays from Vancouver and New Westminster to Crescent and White Rock. File 23303.

4584. Application of Council of Coquitlam, B.C., for station accommodation at Coquitlam, B.C. File 20750.

Order made approving of the location of the applicant company's station at Coquitlam, in the province of British Columbia, upon the conditions set forth in the order.

4585. Complaint of the United Farmers of Alberta on behalf of Mr. John Jones of Gainford, Alta., alleging that the C.N.R. Co., have failed to fence their line of railway in that district. File 9994-122.

Order made fixing penalty for non-completion of work unless company files with board by November 7, 1913, its consent to undertake to pay farmers for damages sustained by reason of destruction of their stock.

4586. Application of the C.P.R., under sections 222 and 237, for authority to construct a spur for the Northern Electric Manufacturing Company, Ltd., Calgary, Alta., from a point on existing spur in lane in block 70, subdivision of section 15-24-1 west 5th meridian, thence across lanes in lots 36, 37, 38, 39 and 40 in block 70, to and into the premises of the Northern Electric Manufacturing Company in lots 39 and 40 in block 70, subdivision of section 15-24-1, west 5th meridian, city of Calgary, Alta. File 21141.



## SESSIONAL PAPER No. 20c

Order made refusing the application, but that the order authorizing the construction of the spur be not construed as giving effect to the consent in any way prejudicing the applicant from hereafter claiming that the company cannot construct the spur over the land without first taking expropriation proceedings.

4587. Application of the city of Calgary, Alta., under section 237, for an order directing the Canadian Pacific Railway Company to provide and construct suitable level crossing where the Calgary and Edmonton Railway intersects 32nd avenue, Calgary, Alta. File 22496.

Order made granting the application.

4588. Application of the Alberta Pacific Grain Co., Ltd., of Calgary, Alta., for an increased allowance for grain doors furnished in connection with cars of bulk grain by the C.N.R. Co. File 4106-10.

No action taken. Matter to be considered in connection with similar applications before the board.

4589. Application of city of Calgary under section 237 of the Railway Act for an order authorizing the city of Calgary to continue 34th avenue across the Calgary and Macleod Branch of the C.P.R. Co.'s tracks in city of Calgary by a level crossing. File 22495.

Order to go upon the city of Calgary obtaining land necessary for diversion of 6th street into 34th avenue across C.P.R. tracks. C.P.R. to be at the cost of constructing and maintaining the crossing. The diversion contemplated is to be made on the understanding that at no time will the city of Calgary attempt to open 6th street across the railway company's tracks.

4590. Petition of the Minburn Board of Trade and residents in that vicinity for an order directing the C.P.R. to maintain a station and agent at that point. File 20214.

No order made the railway company undertaking to have the work in connection with the platform finished within five or six days. The board's inspector to report on the question of housing of the freight.

4591. Complaint of Wm. Dives, of Independence, Alta., relative to condition of farm crossing on the northeast quarter of Dunvegan and British Columbia Railway. File 18903-36.

Order made for a farm crossing to be constructed by the railway company by the 21st November. The railway company to file proper plan showing the crossing.

4592. Complaint of the Board of Trade of St. Albert, Alta., relative to lack of freight shed at St. Albert on the C.N.R. and proper facilities for shipment of traffic from that point. File 20170.

Order made that the railway company file by the 11th November a plan in triplicate of a freight shed 30 feet by 40 feet, to be erected at St. Albert and to be erected within thirty days from the approval of the plan.

4593. Complaint of R.P. Cull, Fallis, Alta., against the G.T.R. using his land on the shore of Wabamun lake as right of way, also that the road crossing on the road allowance is not passable for teams. File 2236. Case 3851.

Struck off with leave to make application to have it replaced on the list.

4594. Application of the Board of Trade, Consort, Alta., for an order directing the C.P.R. to construct suitable crossings over their line of railway where it crosses the road allowance leading to their station and to the town of Consort, Alta. File 23014.

No order made. Applicants to take the matter up with the provincial authorities. After the provincial authorities have dealt with it, the board's engineer to make an inspection as soon as the road is in shape.

4595. Petition of the residents in the vicinity of Mayerthorpe, Alta., for an order directing the C.N.R. to build a siding on its Peace River branch somewhere between

their crossing of the North Paddle river and section 1, township 58, range 9, west 5th meridian, Alberta. File 23243.

No order made as board has no jurisdiction to deal with the matter.

4596. Application of H. D. Thompson, Edmonton, Alta., for an order directing either the C.N.R., the G.T.P. or the C.P.R. to construct a spur line to serve the applicant in block 11, H.B.R., south of MacKenzie avenue, and north of Jasper avenue, city of Edmonton, Alta. File 22372-6.

Board directed that an order should go for the construction of the spur under section 226 of the Railway Act. Formal order not to issue until the applicant has had an opportunity of looking into the question of damages and notifying the board.

4597. Application of the corporation of the city of Edmonton, Alta., for an order under sections 151, 237 and 251 for the purpose of settling the terms upon which the Grand Trunk Railway Co. shall be entitled to use the north 40 feet of MacKenzie avenue instead of the south 40 feet thereof. File 2236-83.

Judgment reserved.

4598. Application of the corporation of the city of Edmonton, Alta., under section 237 for authority to construct a highway across the railway and yards of the Calgary and Edmonton Railway Co., within the limits of the city, for the purpose of opening up Peace avenue, across said railway, either by means of an overhead bridge or subway. File 22415.

Board finds and adjudges that the title of the railway company is sufficient and effective against the municipality and that the said highway be opened, such opening to be subject to the seniority of the railway company's title and construction.

4599. Application of corporation of city of Edmonton, Alta., under section 237, for leave to construct a highway across the railway and yards of the Calgary and Edmonton Railway within the limits of the city, for the purpose of opening up Athabasca avenue, across said railway, either by means of an overhead bridge or subway. File 22436.

Board finds and adjudges that the title of the railway company is sufficient and effective against the municipality and that the said highway be opened, such opening to be subject to the seniority of the railway company's title and construction.

4600. Application of the corporation of the city of Edmonton, Alta., under section 237, for authority to construct a highway across the G.T.P. Ry. for the purpose of extending Vermillion avenue across said railway for the purpose of connecting it with Stephen avenue and Twenty-first street. File 22983.

Application withdrawn.

4601. Application of Messrs. McGrath, Hart & Co., of Edmonton, Alta., for an order directing the express companies to extend their delivery limits to the east side of river lot 34, which is the eastern boundary of the city of Edmonton, Alta. File 4214-95.

Order made that the tolls of the express companies include the collection and delivery of express freight in all thoroughfares reasonably passable for express waggons in those portions of the city of Edmonton as set forth in the order. See order No. 21441.

4602. Application of the city of Edmonton, Alta., under sections 29 and 30, for an order directing the C.N.R. Co. and the G.T.P. Co. to use one set of double tracks from eastern boundary of the city to First street. File 16839.

Application stands, the parties to endeavour to reach a solution with the assistance of the board's engineer.

4603. Application of the C.N.R. Co. for authority to construct a branch line or spur for the Mountain Park Coal Co., Ltd., to cross 17th street in the city of Edmonton.

Order made granting the application.

## SESSIONAL PAPER No. 20c

4604. Application of the C.N.R. for permission to construct a spur across Elm avenue, Edmonton, to the premises of Messrs. Pray and McLennan, block 113, Parkdale subdivision, Edmonton. File 23400.

Company stated matter had already been dealt with in Ottawa, and that they expected to receive an order.

4605. Application of the city of Edmonton for an order under section 237 of the Railway Act for leave to construct a highway across the lines of the C.N.R. Co. and of the G.T.P. Co. for the purpose of opening up Morgan avenue, by means of a level crossing. File 23398.

No action taken. Matter stands at the request of the city of Edmonton. In the meantime the board's engineer to report.

4606. Application for a flag station or local train to stop by request between Tofield and Deville. File 19275.

Order made directing the Grand Trunk Pacific Railway Co. to file with the board within thirty days from the date of the order, plans showing the location of a station with a 60-foot platform at a point between Tofield and Deville at mile post 759 and a stock pen. Also directing that way freight and passenger trains other than through passenger trains stop at the said station. See order No. 21937.

4607. Application of the city of Edmonton for an order under section 237 of the Railway Act for leave to construct a highway across the lines of the C.N.R. Co. and of the G.T.P. Co. for the purpose of opening up Regent street by means of a level crossing. File 23397.

No action taken. Matter stands at the request of the city of Edmonton. In the meantime the board's engineer to report.

4608. Application of the Banner Coal Co. for repayment by C.N.R. Co. of amount paid by the applicant company for the construction of a spur. File 20252.

Judgment reserved; applicant's solicitor to submit for consideration in writing and furnish a copy to the solicitor for the C.N.R. Co.

4609. Application of the city of Edmonton for protection by gates and watchmen at First street, Namayo, Syndicate, and Alberta avenues crossing the C.N.R. and G.T.P. Railways, Edmonton, Alta. File 23420.

Order made directing the installation of gates at First street and at Namayo and Syndicate avenues, 20 per cent of the cost of construction to be paid out of the Railway Grade Crossing Fund, the balance to be borne by the railway companies; plans to be submitted by the 30th November, 1913, and work to be completed within three months after the plans have been approved by the board; gates to be maintained by the railway companies in equal proportions, the city to pay the wages of the watchmen, the gates to be operated day and night.

Gates to be installed at Alberta avenue, plans to be submitted by November 30, 1913, by railway company and gates to be installed within three months; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, the remaining 80 per cent to be borne two-thirds by the railway companies and one-third by the city; the cost of maintenance and operation to be borne two-thirds by the railway companies and one-third by the city.

4610. Application of the city of Edmonton for protection by gates and watchmen at Whyte avenue crossing the tracks of the Canadian Pacific Railway, Edmonton, Alta. File 23418.

Gates to be installed and operated night and day, plans to be filed by the 30th November, 1913, gates to be installed within three months from the date of the approval of the plans; 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund; of the remaining 80 per cent two-thirds to be paid by the Canadian Pacific Railway Company and one-third by the city. Cost of opera-



tion and maintenance to be paid one-third by the city and two-thirds by the railway company.

4611. Application of J. S. Wiens, of Herbert, Sask., for an order directing the C.P.R. to provide a cattle pass on his property on southwest quarter of section 10-17-10 west 3rd meridian, Saskatchewan.

No order made.

4612. Application of the residents of the city of Moosejaw, Sask., for an order directing the C.P.R. to construct overhead bridge over Eighth avenue, Moosejaw Sask. File 16165.

Order made amending order 17206, July 25, 1912, by providing for a 30-foot roadway and for an extension sidewalk 6 feet in width to be placed on one side of the bridge, \$5,000 to be paid out of the Railway Grade Crossing Fund, and the remainder, 75 per cent to be paid by the C.P.R. and 25 per cent by the city of Moosejaw.

4613. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to delay by G.T.P. in completing its line to Moosejaw and the erection of station there. File 10863-62.

Judgment reserved.

4614. Application of the Board of Trade of Truax, Sask., for a better train service on the line of the C.N.R. Co. from Moosejaw southerly.

Referred to the board's chief operating officer to deal with with a view to securing better service for the applicants.

4615. In the matter of complaint of coal shippers being unable to ship coal into Calgary on the line of the G.T.P. Ry. Co., and also in the matter of an application for the installation of a transfer track between the Canadian Pacific Railway and the Grand Trunk Pacific Railway at Calgary. File 10821-92.

Matter to be taken up with the Government for temporary facilities.

4616. Application of the Verwood Board of Trade for a crossing over the tracks of the C.P.R. at Verwood, Sask. File 21476.

Matter to be taken up with other municipalities interested with a view of putting in a subway. If no arrangement made within three months order will go as recommended by the board's engineer. Board of Trade to take the matter up with parties interested and the C.P.R. Company is to allow crossing to remain and to put up a crossing sign.

4617. Complaint of the rural municipality of Blucher, No. 343, Bradwell, Sask., respecting the G.T.P. crossing in township 34, ranges 1 and 2, west of the 3rd meridian, as outlined in the order. See order No. 21508.

Order made directing the G.T.P. Railway Co., at its own expense to make certain changes in the highway crossings in township 34, ranges 1 and 2, west of the 3rd meridian, as outlined in the order. See order No. 21508.

4618. Application of the town of Forward, Sask., for an order directing the C.P.R. to furnish a station, telegraph service, etc., at that point. File 6713-28.

4619. Application of the rural municipality of Keyes No. 303 for an order directing the C.N.R. to construct a crossing between sections 25 and 26-33-1 west 2nd meridian on their Thunder Hill branch. File 5167-46.

Order made granting the application.

4620. Application of H. L. Manchester, Rosetown, Sask., for an order directing the C.N.R. to construct a spur track leading from the C.N.R. line in the town of Rosetown, Sask. File 6713-39.

Application dismissed.

4621. Complaint of J. W. Newman, Belle Plains, Sask., relative to condition of planking in the road crossing between Regina and Moosejaw, on the line of the C.P.R. File 9558-14.

## SESSIONAL PAPER No. 20c

Board decided that no order was necessary at present. The board's engineering office to watch the work and advise if any necessity arises that would warrant the issuing of a formal order.

4622. Application of the C.P.R. for an order relieving it from maintaining a watchman at the crossing known as Anderson street crossing west of the station building at Grenfell, Sask., required by order of the board No. 18705, dated February 14, 1913.

NOTE.—The board will consider the question as to whether in view of the expense involved in connection with watchmen that protection be changed to a bell. File 9437-979.

Order made refusing the application, directing that order 20018, dated August 14, 1913, be amended, and apportioning the cost of maintenance as follows: 60 per cent to be borne by the C.P.R. Co., and 40 per cent by the municipality of the township of Grenfell.

4623. Complaint of E. D. Sworder, Balcarres, Sask., that the G.T.P. Branch Lines Co. have failed to pay penalty of \$25 per day under order of the board No. 16559, in connection with the condition of crossings and road provided and constructed by the railway in section 8-21-12 west 2nd meridian, Saskatchewan. File 18341.

No action necessary, the matter having been settled between the parties.

4624. Application of the rural municipality of Sherwood, Sask., in regard to highway crossing over the C.P.R. in line with Broadway, Dominion Heights, Regina, Sask.

NOTE.—This matter is set down to afford the applicants an opportunity of replying to the railway company's answer and of presenting such representations as they desire to make. File 22207.

Application withdrawn.

4625. Application of the Board of Trade, Carlyle, Sask., for an order directing the C.P.R. and C.N.R. to construct a transfer track connecting their lines of railway at Carlyle, Sask. File 12562.

Judgment reserved. Applicant to file further information and to serve copies upon the C.N.R. and C.P.R. Companies.

4626. Application of the C.P.R., under sections 159 and 237 for an order approving location of its Asquith to Conquest branch from a point on Pheasant Hills branch near Asquith for 41-62 miles to point near Conquest on the Moosejaw northwest branch and for an order authorizing the applicant company to construct across highways from mile 0 to 41-62. File 18031-1.

The board decided that the railway was not to be built along the highway and that the C.P.R. file a plan showing a new location.

4627. Complaint of the Board of Highway Commissioners for the province of Saskatchewan on behalf of rural municipality No. 65, Stoughton, Sask., relative to the C.P.R. crossing on the road allowance between sections 21 and 22-9-9 west 2nd meridian, never having been opened for traffic. File 23146.

No order to be made until the municipality advises the board that it has done the work or will undertake to do so.

4628. Application of the city of Regina for an order to amend order No. 19506, dated June 7, 1913, authorizing the city to cross with its municipal railway the C.N.R. at rail level at Fourth avenue, between McIntyre street and Lorne street, where it is necessary to cross two commercial spurs of the railway company and the main line of the company running north and west. File 22240.

Order made amending order No. 19506 by substituting plan marked "A," dated 2nd September, 1913, for plan dated March 24, 1913, approved by said order. See order 20813.

4629. In the matter of the application of W. D. Stacy, of Chinook, Alta., regarding a depot agent, etc., at Chinook.

5 GEORGE V., A. 1915

C.N.R. to advise the board as soon as the line has been in operation for three months and to furnish a statement of the traffic.

4630. Complaint of the Board of Trade of Fort Qu'Appelle, Sask., regarding station facilities on the line of the G.T.P. Ry. at Fort Qu'Appelle. File 22349.

Referred to the board's operating department to investigate and report upon.

4631. Petition of the residents and council of Yorkton, Sask., for a subway at Third avenue.

This matter is set down to enable the C.P.R. Co. to show cause why a watchman has not been placed at the Broadway crossing as directed by the board on the 29th of May, 1913. File 9437-902.

Crossing at Broadway street to be protected by watchmen, hours to be fixed by the board's engineer who is also to report on the question of installing gates; 60 per cent of the wages of the watchman to be paid by the railway and 40 per cent by the township of Yorkton.

4632. Application of Thos. Mathieson of Forester's Falls, Ont., for an order directing the C.N.O.R. Co. to construct for him a passageway for live stock under their line of railway across the north half of lot 12, concession 19, township of Ross, Ontario. File 3561-184.

Estimate of the cost to be prepared by the Canadian Northern and sent to the board.

4633. Application of the Ontario and Quebec Ry. Co. (C.P.R.) under section 178, for authority to expropriate certain lands in lot 7, concession A and lot 15, first meridian concession, township of Etobicoke, Ontario, said lands to be used in connection with enlarging the station yards at Islington, Ont. File 23209.

Order made directing that an order should go granting the C.P.R. Company's application upon condition that at its own expense it moves the Power Company's poles to a location to be determined by the electrical engineer of the board and acquires for the Power Company a piece of property south of its present right of way, of the same width and length as that applied for. See judgment of Assistant Chief Commissioner, Appendix "C."

4634. Application of the county of Carleton, Ontario, for an order rescinding order No. 17199, dated August 12, 1912, in connection with the crossing of the C.N.O. Railway between concessions 3 and 4, township of March, or for a totally new order approving of an underground crossing on the opposite side of the road across land already owned by the railway company. File 3561-99.

The board decided not to vary the order already issued in this matter. See judgment of Assistant Chief Commissioner Scott, Appendix "C."

4635. Application of the C.L.O. & W. Ry. Co., under section 237, for authority to construct its railway across Prospect, Albert, Simcoe and Centre streets, in the town of Oshawa, Ont. (Rehearing.) File 3701-176.

Board directed the C.P.R. Co. to proceed in connection with the plans approved by the board, dated 1st September, 1913. See judgment of Assistant Chief Commissioner, Appendix "C."

4636. Application of the C.P.R. Co., under section 237, for authority to construct bridge No. 92-7 Toronto Subdivision Ontario division of its railway Don Viaduct, near Donlands, in the county of York, Ontario. File 22262-5.

Order made granting the application, subject to conditions set forth in order. See order 20827 and amending order No. 20966.

4637. Complaint of the municipal council of the rural municipality of Archie, Man., relative to refusal of C.P.R. to construct a switch at a point between section 25-14-29 and 30-14-28, near McAuley, Man. File 23058.

Order made directing the C.P.R. Co. to construct a grain loading siding 400 feet long at the point in question, work to be completed by 1st September, 1914. See order 21132.



## SESSIONAL PAPER No. 20c

4638. Complaint of the rural municipality of Hillsburg, Man., relative to alleged lack of fencing on the line of the C.N.R. in townships 25 and 26, range 27, west 1st meridian, Manitoba, in Riding Mountain Forest reserve and said municipality. File 9994-114.

No order made as the work has been completed.

4639. Application of the municipal council of the town of Carman, Man., for an order directing the C.N.R. to provide gates or other protection at its crossing over Fournier avenue in town of Carman, Man. File 9437-1049.

Order made directing that the trains of the Canadian Northern Railway Co. be brought to a stop before proceeding to cross Fournier and Browning avenues, and to operate over such crossings at a speed not exceeding four miles an hour. See order 20862.

4640. Application of the town of Carman, Man., for an order directing the C.N.R. to place gates or other protection on Browning avenue, in the town of Carman, Man., where said railway crosses. File 9437-1050.

Order made directing that the trains of the Canadian Northern Railway Co. be brought to a stop before proceeding to cross Fournier and Browning avenues, and to operate over such crossings at a speed not exceeding four miles an hour. See order 20862.

4641. Application of Maulson & Harrison, Minnedosa, Man., for an order directing the C.N.R. to reinstate road allowance between sections 11 and 12-19-24 or for satisfactory diversion across Mr. A. Forde's property in Rosburn, Man. File 660-72.

Order made directing the railway company to divert the road allowance from a point north of its railway to a farm crossing. Company to submit a plan for approval by an engineer of the board and the municipality to provide the necessary right of way upon payment to it by the railway company of \$200. See order 20993.

4642. Complaint of the municipality of Strathclair, Man., relative to alleged dangerous condition of crossings over the C.N.R. in that district between sections 5 and 8-18-21 and in section 8-18-21 west 1st meridian, Manitoba. File 660-71.

Board directed that crossings be brought up to standard. Engineer to report after construction as to whether they are dangerous and as to what protection is necessary.

4643. Complaint of the municipality of South Cypress, Man., against the removal by the C.P.R. of the crossing in section 10, township 7, range 14, west 1st meridian, at the east end of Glenboro Yards, Glenboro, Man. File 23044.

Referred to the board's chief operating officer for inspection and report.

4644. Complaint of the shippers of the village of Sleeman, Ont., relative to alleged car shortage by C.N.R. at that point. File 18705-46.

Order made. Board's inspector to report upon the question of the train service raised at the hearing.

4645. Application of the Winnipeg Sandstone Brick Co., Ltd., for approval of spur crossing Pembina street from C.N.R. siding on east side of the railway work shops to the Winnipeg Sandstone Brick Co., Ltd., on the opposite side of Pembina street. File 22434.

4646. Application of Thos. D. Robinson & Sons, Ltd., of Winnipeg, Man., for an order directing the C.P.R. to construct a branch line of railway from their Beach Line to the premises of the applicant in the city of Winnipeg, Man. File 22318-9.

Orders withheld for ten days. City of Winnipeg to file its objections by the 15th November.

4647. Application of the C.N.R. for authority to cross Godfrey street, Winnipeg, Man., with its Oak Point branch. File 10131.

Order made authorizing the extension of Godfrey avenue, across the tracks of the

5 GEORGE V., A. 1915

Canadian Northern Railway Co., crossing to be maintained at the expense of the railway company. See order 20867.

4648. Consideration of the matter of protection at the crossing of the C.P.R. at Talbot avenue, Winnipeg, Man. File 9437-279.

Board directed that an order should go providing for the installation of gates to be operated by day and night watchmen, the question of cost reserved.

4649. Application of the rural municipality of Fort Garry, Man., for an order directing the C.N.R. to provide a proper and suitable subway under its tracks where it crosses Pembina highway, Winnipeg, Man. File 20311-1.

G.T.P. to have the right to file an application for construction from their tracks as shown on the plan of proposed possible connection. The matter to be dealt with on written submissions without further hearing. G.T.P. Ry. to advise board what it will do by November 20.

4650. Application of the city of Winnipeg, Man., for an order directing the C.P.R., to take up and remove from and off Selkirk avenue in the city of Winnipeg, a certain spur track which connects with the Selkirk line of the C.P.R. immediately north of Selkirk avenue, into the Exhibition grounds, and to connect said spur with the said Selkirk line of the C.P.R. south of Selkirk avenue. File 23122.

4651. Application of the city of Winnipeg, Man., under sections 50 and 269, for an order directing the C.P.R. and G.T.P. to equip each locomotive steam engine with appliance to prevent the unnecessary and unreasonable emission of smoke therefrom and to prescribe under what regulations each locomotive steam engine shall be operated so as to prevent the air being fouled. File 9346. Case 4489.

No order made. Referred to the board's chief operating officer for report.

4652. Application of the Canadian Manufacturers Association for a rate of 10 cents per hundred pounds on pig iron, earloads, from Fort William, and Port Arthur, to Winnipeg, Man. File 18755-12.

Judgment reserved.

4653. Application of the rural municipality of Fort Garry, Man., for an order directing the C.N.R. to construct and maintain a proper and suitable street crossing over the tracks of the said railway company where the same crosses Waller avenue in the said municipality. File 23261.

Order made granting the application.

4654. Application of the rural municipality of Fort Garry, Man., for an order directing the C.N.R. to construct and maintain a proper and suitable crossing over their tracks across Chevrier boulevard in the said municipality. File 23262.

Order made granting the application.

4655. Application of the rural municipality of Fort Garry for an order directing the C.N.R. to construct a suitable culvert under the tracks of the said railway company at Waller avenue in said municipality. File 23260.

Order made granting the application. Culvert to be constructed at the expense of the municipality of Fort Garry.

4656. Application of the rural municipality of Fort Garry, Manitoba, for an order directing the C.N.R. to construct a suitable crossing over the tracks of the said railway company where the same crosses Southwood avenue in said municipality. File 23263.

Order made granting the application.

4657. Application of the C.N.R. Co. under sections 237 and 178 for authority to divert rue Verandrye in the city of St. Boniface, Man., and to take for the purpose of such diversion parts of lots 572 and 574, D. G.S. 76, plan 224, of said city, the property of Mr. G. A. Gareau. File 23255.

Order made authorizing the applicant company to divert rue Verandrye in the city of St. Boniface and to take certain parts of the lots as therein set forth. See order, January 7, 1914. Order No. 20808, November 13, 1913, rescinded.

## SESSIONAL PAPER No. 20c

4658. Complaint of John Geddes regarding dangerous condition of Grand Trunk level crossing over three tracks at Amelia street, Fort Rouge. File 9437.1074.

Order made limiting the operation of the G.T.P. Company's trains over the said crossing to a speed not exceeding 10 miles an hour. See order No. 21225.

4659. Complaint of E. Martino Zentil, of Dryden, Ont., relative to refusal of the C.P.R. to provide him with a spur to serve his brickplant. File 22754.

Order made directing the C.P.R. Co. to construct spur capable of accommodating six cars, and to have a pulling grade of at least one-half per cent from the main line as shown on the plan filed with the board. Work to be completed within three months from the date of the deposit of the sum required to be deposited by the applicant to cover the cost of construction. See order No. 22432.

4660. Application of the C.N.R. under sections 222, 227, and 237, for authority to construct a spur from its line of railway in lot 82, block 34, across block 35, and along Hester street to Fort street, and to cross with such spur Inchiquin, Algoma, Ontario, High, Winnipeg, and Fort streets and the Port Arthur and Fort William Electric Street Railway Company on Algoma street in city of Port Arthur, Ont. File 22950.1.

Order to go subject to the terms being arranged between the parties.

4661. Application of the G.T.P. Ry. under sections 222, 237 and 257 for authority to construct a double track branch line or spur turning out from its line on Empire avenue northerly along private right of way formerly James street to William street, thence easterly to Thunder Bay, Fort William, Ont. (Adjourned hearing.) File 22317.1.

Application refused. Referred to the board's engineer to take the matter up with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4662. Application of the G.T.P. Co. under section 237 for an order authorizing the construction of its proposed spur in William street, Fort William, Ont., across the Port Arthur and Fort William railway. (Adjourned hearing.) File 22317.3.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4663. Application of the G.T.P. Ry., under section 227, for authority to construct a spur on William street, Fort William, Ont., across the line of the C.N.R. (main line). (Adjourned hearing.) File 22317.4.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4664. Application of the city of Fort William, Ont., under sections 227, 235 and 243, for an order permitting the city to cross the tracks of the C.P.R., C.N.R. and G.T.P. Ry. with its street railway where such tracks cross Heath street and Montreal street in the city of Fort William, Ont., and for an order repealing or amending order No. 11330 and for an order to compel the said railway companies to provide protection at all of the highway crossings of said railways aforesaid on Heath street and Montreal street and in each case to proportion the costs of construction and maintenance thereof among the interested parties. File 22479.

Board's engineer to take the matter up with the engineers of the parties interested with a view of ascertaining whether an overhead bridge or a subway should be constructed. After his report is received the board will deal with the matter.

4665. Application of the Fort William Board of Trade for an order directing the C.N.R. Co. to construct in that city a depot suitable for the proper transaction of its freight and passenger business in keeping with the growth and development of that city. File 5791.

Judgment reserved; board's engineer to report in the matter.



4666. Application of the Mount McKay Pressed Brick Co., under section 226, for an order directing the G.T.P. Co. to construct a spur from its line of railway on the south side of the Kaministiquia river to the factory and plant of the applicant company, and for an order under section 227 for authority to cross the highways and the street car tracks of the street railway of the city of Fort William which is in portion along one of the said highways. File 22317-10.

Order made granting the application, subject to conditions set forth in the order. See order 20879.

4667. Application of the C.P.R. Co. under section 237 for authority to construct bridge No. 92-7 on the Toronto subdivision, Ontario division, Don viaduct, near Donlands, Ont. File 22262-5.

Order made authorizing the applicant company to take part of lot No. 2, and part of lot No. 3, in the 3rd concession from Yonge street in the township of York, in connection with this application. See order 20828. See also judgment of Assistant Chief Commissioner dated 12th November, 1913.

4667½. In the matter of the order of the board No. 18825, dated March 5, 1913, made upon the application of the Simcoe Fruits. Ltd., and the Fruit Growers' Association of Ontario, directing, *inter alia*, that railway companies subject to the jurisdiction of the board, re-establish the arrangement formerly in effect under which apples were carried to concentration points for storage, inspection, or for completion of carloads and reshipments, subject to certain conditions, at a reduction of one-third from the local tariff rates, to the concentration points; and the question raised by the C.P.R. Co. as to the power of the board to make the direction referred to.

NOTE.—The board will consider the question of jurisdiction raised. File 19666. Judgment reserved.

4668. Complaint of John Mason, Plenty, Sask., with reference to the C.P.R. running spur track through his quarter section in southwest quarter section 2-33-19 west third meridian, and using part of his land to obtain water without obtaining his consent or giving him any settlement for same. File 22810.

Referred to Mr. Selanders, of Saskatoon, to fix the amount complainant should receive. Railway company to pay for his services.

4669. Application of the rural municipality of Hillsburg, No. 289, Saskatchewan, for an order directing the C.N.R. to construct a public crossing over their tracks immediately west of the west switch D'Arcy yards, D'Arcy, Sask. File 22654.

Order made granting the application. See order 20894.

4670. Application of the Board of Trade, Humbolt, Sask., for an order directing the C.N.R. and G.T.R. to provide interswitching facilities between their lines of railway near Dana, Sask. File 6713-46.

Order made directing the railway companies to construct, maintain and operate a transfer track near Dana, Sask., subject to the conditions set forth in the order. See order 20844.

4671. Application of the Boards of Trade of Youngstown, Oyen, Chinook and Hanna, Alta., for an order requiring the C.N.R. to instal its passenger service on its line west of Alsask, Sask. File 5891-100.

Order made that the C.N.R. Co. furnish a daily passenger service on its line of railway west of Alsask, service to be put in effect not later than 10th November, 1913. See order 20878; also order 21314.

4672. Application of J. S. Wiens of Herbert, Sask., for an order directing the C.P.R. to provide a cattle pass on his property on southwest quarter of section 10-17-10 east 3rd meridian, Saskatchewan. File 22689.

No order made.

4673. Application of the residents of Moosejaw, Sask., for an order directing the C.P.R. to construct overhead bridge over Eighth avenue, Moosejaw, Sask. File 16165.

## SESSIONAL PAPER No. 20c

Order made amending order 17206, July 25, 1912, by providing for a 30-foot roadway and for an extension sidewalk 6 feet in width, to be placed on the side of the bridge, \$5,000 to be paid out of the Railway Grade Crossing Fund and of the remainder, 75 per cent to be paid by the C.P.R. and 25 per cent by the city of Moosejaw.

4674. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to delay by G.T.P. in completing its line to Moosejaw and the erection of station there. File 10863-62.

Board decided that no further order was necessary as it appeared that there had been no congestion.

4675. In the matter of complaint of coal shippers being unable to ship coal into Calgary on the line of the G.T.P. Railway; and also in the matter of an application for the installation of a transfer track between the Canadian Pacific Railway and the Grand Trunk Pacific Railway at Calgary. File 10821-92.

Matter to be taken up with the Government for temporary facilities.

4676. Application of the Verwood Board of Trade for a crossing over the tracks of the Canadian Pacific Railway at Verwood, Sask. File 21476.

Matter to be taken up with the other municipalities interested with a view of putting in a subway. If no arrangement made within three months, order will go as recommended by the board's engineer. Board of Trade to take the matter up with parties interested, and the C.P.R. Co. is to allow crossing to remain and to put up a crossing sign.

4677. Complaint of the rural municipality of Blucher, No. 343, Bradwell, Sask., respecting the G.T.P. crossing in township 34, ranges 1 and 2, west of the 3rd meridian, Bradwell, Sask. File No. 6744, Case 2856.

Order made directing the G.T.P. at its own expense to make changes in the highway crossings in township 34, ranges 1 and 2, west of the 3rd meridian, as set forth in the order. See order 21508.

4678. Application of the rural municipality of Keyes, No. 303, for an order directing the C.N.R. to construct a crossing between sections 25 and 26-33-1, west 2nd meridian, on their Thunder Hill branch. File 5167-46.

Order made granting the application.

4679. Application of H. L. Manchester, Rosetown, Sask., for an order directing the C.N.R. to construct a spur track leading from the C.N.R. line of the town of Rosetown, Sask. File 6713-39.

Application dismissed.

4680. Complaint of W. J. Newman, Belle Plains, Sask., relative to the condition of the planking in the road crossings between Regina and Moosejaw on the line of the C.P.R. File 9558-14.

No order made, board's Engineering Department to keep track of the work and advise if there is any necessity to issue a formal order.

4681. Application of the C.P.R. for an order relieving it from maintaining a watchman at the crossing known as Anderson street crossing west of the station building at Grenfell, Sask., required by order of the board No. 18705, dated February 14, 1913.

NOTE.—The Board will consider the question as to whether in view of the expense involved in connection with watchman, that protection be changed to a bell. File 9437-989.

Order made refusing the application, directing that order 20018, dated August 14, 1913, be amended, and apportioning the cost of maintenance as follows: 60 per cent to be borne by the C.P.R. Co., and 40 per cent by the municipality of the township of Grenfell.

4682. Complaint of E. D. Sworder, Balcarres, Sask., that the G.T.P. branch lines have failed to pay penalty of \$25 per day under order of the board No. 16559 in

connection with the condition of crossings and road provided and constructed by the railway in sections 8-21-12, west 2nd meridian, Sask. File 18341.

No action necessary, the matter having been settled between the parties.

4683. Application of the rural municipality of Sherwood, Sask., in regard to highway crossing over the C.P.R. in line with Broadway, Dominion Heights, Regina, Sask.

NOTE.—This matter is set down to afford the applicants an opportunity of replying to the railway company's answer and of presenting such representations as they desire to make. File 22207.

Application withdrawn.

4684. Application of the Board of Trade of Carlyle, Sask., for an order directing the C.P.R. and C.N.R. to construct a transfer track connecting their lines of railway at Carlyle, Sask. File 12562.

Order made amending order No. 19506, by substituting plans dated September 2, 1913, for plan dated 24th March, 1913. See order 20813.

4685. Complaint of the Board of Highway Commissioners for the province of Saskatchewan, on behalf of the rural municipality No. 65, Stoughton, Sask., relative to the C.P.R. crossing on the road allowance between sections 21 and 22-9-9, west 2nd meridian, never having been opened for traffic. File 23146.

No order to be made until the municipality advises the board that it has done the work or will undertake to do so.

4686. Application of the city of Regina for an order to amend order No. 19506, dated June 7, 1913, authorizing the city to cross with its municipal railway the C.N.R. at rail level, at Fourth avenue between McIntyre street and Lorne street, where it is necessary to cross two commercial spurs of the railway company at the main line of the company running north and west. File 22240.

Order made amending order No. 19506 by substituting new plan. See order 20813.

4687. Application of the G.T.P. Ry. under section 227, for an order authorizing the construction of its proposed spur on William street, Fort William, Ont., across the line of the C.P.R. (Adjourned hearing.) File 22317-2.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4688. Application of the G.T.P. Ry. under section 237, for an order authorizing the construction of its proposed spur in William street, Fort William, Ont., across the Port Arthur and Fort William railway. (Adjourned hearing.) File 22317-3.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4689. Application of the G.T.P. Ry. under section 227, for authority to construct a spur on William street, Fort William, Ont., across the line of the C.N.R. (main line). (Adjourned hearing.) File 22317-4.

Application refused. Referred to the board's engineer to take up the matter with the G.T.P. Co.'s engineers and report to the board. Applicant to be at liberty to file any further material he desires.

4690. Application of the city of Fort William, Ont., under sections 227, 235 and 243, for an order permitting the city to cross the tracks of the C.P.R., C.N.R., and G.T.P. Railway with its street railway where such tracks cross Heath street and Montreal street in the city of Fort William, Ont., and for an order repealing or amending order No. 11330, and for an order to compel the said railway companies to provide protection at all of the highway crossings of said railways aforesaid on Heath street and Montreal streets, and in each case to proportion the costs of construction and maintenance thereof among the interested parties. File 22479.



## SESSIONAL PAPER No. 20c

Stands at the request of the city of Fort William. Board's engineer to take the matter up with the engineers of the parties interested with a view to ascertaining whether an overhead bridge or a subway should be constructed.

4691. Application of the Fort William Board of Trade for an order directing the C.N.R. Co. to construct in that city a depot suitable for the proper transaction of its freight and passenger business in keeping with the growth and development of that city. File 5791.

Judgment reserved.

4692. In the matter of the order of the board No. 18825, dated March 5, 1913, made upon the application of the Simcoe Fruits Ltd., and the Fruit Growers' Association of Ontario, directing *inter alia*, that railway companies subject to the jurisdiction of the board re-establish the arrangement formerly in effect under which apples were carried to concentration points for storage, inspection or for completion of carloads and re-shipments, subject to certain conditions, at a reduction of one-third from the local tariff rates, to the concentration points, and the question raised by the C.P.R. Co. as to the power of the board to make the direction referred to.

NOTE.—The board will consider the question of jurisdiction raised. File 19666.

4693. Application of the Canadian Manufacturers Association for a rate of 10 cents per hundred pounds on pig iron carloads, from Fort William and Port Arthur to Winnipeg, Man. File 18755-12.

No action taken.

4694. Application of the G.T.R. Co. under section 258, for approval of location and detail plans of its station at Rideau, Ont.

NOTE.—This matter has been set down for the purpose of hearing the objections of Mr. Ed. Cunningham, to the location of the station as authorized by order No. 19609, dated June 13, 1913. File 21221.

Application refused.

4695. Application of the corporation of the city of Toronto, Ont., for an order for the removal of the poles of the Toronto and Niagara Power Company on St. Clair avenue, Toronto, Ont. File 23470.

Application granted in so far as it relates to the removal of the poles in question.

4696. Application of the corporation of the city of Toronto, Ont., for an order making such change in the plans of the C.P.R. for their station at North Toronto as will necessarily follow from the widening of Yonge street at that point by the addition to the east side thereof of a strip of land 20 feet in width. File 20558.

Judgment reserved.

4697. *Re* general order No. 107, dated July 4, 1913, covering Fire Regulations.

NOTE.—The C.P.R. Co. will be required to explain why it has neglected to comply with the provisions of Regulation 14 of general order No. 107, in regard to its eastern lines. File 4741-F-11.

No action taken, and no order necessary.

4698. Application of the McKellar Townsite Company, Ltd., under section 237, for an order directing the C.P.R. to provide and construct a suitable highway crossing where the company's railway intersects Second avenue, lot 28, and part lot 27, concession 1, Ottawa front, township of Nepean, Ontario. Plan M. 29. File 23388.

Application refused, as the Townsite Co. are not the proper parties to make the application. Municipality will have to apply to the board.

4699. Application of the Edmonton City Dairy for an order requiring the Dominion Express Company, under rule 3 of the Company's Special Cream Tariff C.R.C. 4139, to refund 5 cents per can on their consignments to Edmonton between the effective dates of the said tariff, viz., October 15, 1912, to September 17, 1913, inclusive, applicants being outside of the delivery limits and no delivery service having therefore been furnished. File 4214-219, part 2.

Judgment reserved.

5 GEORGE V., A. 1915

4700. Consideration of the protest of the Toronto Board of Trade against the abrogation of the interwarehouse arrangement for completion of earload shipments of grain and the suspension of order of the board No. 20584, dated October 16, 1913. File 23235.

Judgment reserved.

4701. The C.P.R. Co. will be required to justify the increase in the minimum weights on potatoes and turnips as shown in Supplement No. 11 to C.R.C. No. E 1629.

An increase allowed to 30,000 pounds.

4702. Consideration of the question of future practices of railway companies regarding cartage service. File 18663.

Referred to the board's chief traffic officer to confer with the shippers representatives and the railway companies.

4703. Complaint of the Medico-Chirurgical Society of Montreal, Que., against the discontinuance on the 1st of February, 1913, of the reduced tolls previously granted by the Bell Telephone Company to physicians within the limits of the Montreal Exchange, subject to completion of then existing contracts. File 3574-110.

Application refused. See judgment of Assistant Chief Commissioner, Appendix "C."

4704. Complaint of the Eastern Townships Lumber Company of Sherbrooke, Que., against the proposed increase in pulpwood rates from points on the Temiscouata Railway to Rivière-du-Loup, Que., as published in Temiscouata Railway Company's tariff C.R.C. No. 217 suspended by the board under order dated December 2, 1913. File 23123-1.

Order made that effective dates of Special Commodity Tariff, C.R.C. No. 217, and the Joint Freight Tariff, C.R.C. No. 221, of the Temiscouata Railway Company, become effective the 15th day of August, 1914. Order No. 21105 rescinded. See order No. 21269.

4705. Application of the town of Chateauguay, Que., for an order directing the New York Central and Hudson River Railroad Company to make commutation (ten-trip) tickets between Chateauguay and Montreal, Que., good for one year. File 23543.

Order made refusing the application. See order No. 21169.

4706. Complaint of Geo. Pepper, Toronto, Ont., against the charges assessed by the C.P.R. Co. on one horse from Jacques Cartier Junction to Westmount, Que. File 6713-51.

Complaint withdrawn.

4707. Complaint of the Rev. J. P. Desrosiers, *et al*, of Ville St. Pierre, P.Q., against the action of the Grand Trunk Railway Company in leaving cars of dynamite standing for a considerable length of time on its Blue Bonnets siding, near the limits of the above town. File 1717.7.

Judgment reserved. Board's engineer to inspect and report.

4708. Application of the corporation of the village of Princeville, Que., for an order directing the Grand Trunk Railway Company to provide a public highway crossing about 1,050 feet west of the station at Princeville, Que. File 21353.

Order made refusing application. See order 21251.

4709. Application of the municipalities of Ste. Anne de Bellevue and the village of Senneville, Que., for an order directing the G.T.R. and C.P.R. to construct at their cost and expense, a suitable subway under their existing double main line tracks at or near a point immediately west of the west end of the passenger platform of the C.P.R. Co.'s station at Ste. Anne de Bellevue, Que. File 9437.1044.

Order made directing the G.T.R. Co. to construct a subway under its tracks at or near a point immediately west of the west end of the passenger platform of the C.P.R. Company's station at Ste. Anne de Bellevue; 20 per cent of the cost, not exceeding \$5,000, to be paid out of the Railway Grade Crossing Fund, the remainder, 15 per cent by the municipality of Ste. Anne de Bellevue, 15 per cent by the muni-

## SESSIONAL PAPER No. 20c

cipality of Sennevine, and 70 per cent by the G.T.R. C.P.R. also to construct a subway under its track on same terms. See order 21313.

4710. Complaint of R. C. Jamieson & Co., Ltd., and the Consumers Cordage Co., Ltd., of Montreal, Que., relative to annoyance and inconvenience caused by the C.P.R. engines in moving and switching freight cars on St. Patrick street in and out of the Island Street yard and to other industrial sidings east thereof, on the "Lachine Canal" South Bank branch. File 1088, part 2.

Application withdrawn.

4711. Complaint of Henri Latour and Raoul Latour of St. Jerome, Que., that the C.P.R. Co. is not complying with order No. 16862 regarding the stopping of mail train at Lesage flag station, Que. File 16717.

No order made. No further action necessary.

4712. Consideration of the matter of protection at the level crossing of the Canadian Northern Quebec Ry. Co. at Culliver street, Hochelaga ward, Montreal, Que. File 9437.1027.

Order made directing the railway company to instal gates at the said crossing, gates to be installed and in operation before the 1st July, 1914. 20 per cent of the cost of installation to be paid out of the Railway Grade Crossing Fund, and the balance by the railway company, 30 per cent of the cost of maintenance to be borne by the city the balance by the railway company. See order 21235.

4713. Application of the Canadian Northern Montreal Tunnel and Terminal Company, Ltd., under section 167, for sanction and approval of the revised location of its tunnel line from the water to the junction with the main line in the city of Montreal, Que. File 18588.31.

Order made authorizing the applicant company to acquire the lands of Mrs. H. B. Rainville. Order No. 20899, dated November 27, 1913, rescinded. See order 21286.

4714. Complaint of Jas. McDonnell, of Montreal, Que., against the alleged lack of protection at the level crossing of the Canadian Northern Quebec Railway Company at Bonnett street, Maisonneuve, Que. File 9437.1067.

Order made that the crossing in question be protected by a pair of gates to include the C.N.Q. and the Montreal Terminal Railways. Gates to be operated by day and night watchmen. Plans to be submitted by March 11, 1914; 20 per cent of cost of installing to be paid out of the Railway Grade Crossing Fund, balance to be borne, one-half by the C.N.Q. and one-half by the Montreal Terminal Railway. Work to be completed by June 1, 1914. See order No. 21950.

4715. Application of the Montreal Tramway's Company, for reconsideration of order No. 19956 approving of plan of C.N.Ry. Co. showing structure to be erected where it crosses with its lines and tracks the lines and tracks of the Montreal Park and Island Railway at Sault aux Recollet, Que. File 2342.73.

Order made amending order No. 16973, dated July 9, 1912, and rescinding order 19956, dated August 2, 1913. See order No. 21249.

4716. Application of the C.N.O.R. under section 237, for authority to construct its line of railway across the public road between lots 78 and 80, parish of St. Eustache, county of Two Mountains, at station 1846-80. File 2342.34.

Referred to the board's engineer to report on. C.N.R. company to submit plans of the subway.

4717. Complaint of the Brotherhood of Locomotive Engineers relative to Bulletin No. 234 issued by the G.T.R. Co. in connection with yard-limit boards at Algonquin Park, Ont. File 4135.24.

Order made that the yard-limit boards at Algonquin Park be discontinued by the 12th May, 1914, provided that if the G.T.R. desires to discontinue the use of locomotive whistles at that station, it should, by the 2nd April, file plan for approval of the board showing the signal system to be established at Algonquin Park station. See order 21475.



5 GEORGE V., A. 1915

4718. Application of the Boards of Trade of Princeton, Keremeos and Hedley, B.C., for an order directing the Vancouver, Victoria and Eastern Railway and Navigation Company to maintain a first-class daily train service to the farthest town on the completed portion of its line of railway. File 23626.

Struck off the list, as case settled.

4719. Application of the Canadian Northern Ontario Railway Company, under section 222, for authority to construct a spur from its Montreal-Port Arthur line at the west boundary of the township of Stafford, through the township of Stafford and the town of Pembroke, Ont., with two branches at its northerly end in the town of Pembroke, for the service of the box factory, The Steel Equipment Company and Pembroke Lumber Company and the local freight of the town and surrounding country. File 23085.

Judgment reserved.

4720. Application of the Pere Marquette Railroad for authority to take part of lots 29 to 41, inclusive, in the Sarnia Indian reserve. File 23493.

Application granted, Mr. Bray, of the Department of Indian Affairs, to indicate on the plan where the crossings, etc., are to be before the order issues.

4721. The Grand Trunk and Canadian Pacific Railway Companies will be required to explain the further postponement of the revised joint tariffs on lumber from the Southern States to Canadian points, the said new tariffs, promised for October 15, as the effective date, not having been filed. Files 17050 and 22221.

Matter referred to the parties for settlement. Board to be advised in the event of further delay in having the matter settled.

4722. Railway companies will be required to justify the proposed increase in charges for the detention of refrigerator cars as published in tariffs suspended by general order No. 115, dated December 19, 1913. File 1700-65.

Order made that special tariffs of charges for detention of refrigerator cars when used for shipments of perishable freight published by the railway companies be amended by eliminating the clauses therein relating to detention at the points of loading of the said cars. General order No. 115 and orders 21127 and 21128 to be rescinded in so far as they effect the several railway companies filing said amending tariffs. See general order No. 120.

4723. Application of W. L. Vandervoort, of Belleville, Ont., for an order directing the Canadian Northern and Canadian Pacific Railway Companies to construct a cattle pass under their lines of railway on his property on lot 34, concession 1, township of Sidney, Ont. File 3878-549.

Judgment reserved, matter referred to the board's engineer for further inspection and report.

4724. Application of Smith A. Hendricks, Trenton, Ont., for an order directing the C.L.O. & W. Ry. Co. to provide a crossing on his property in lot 13, concession 1, township of Murray, Ontario. File 3701-352.

Order made directing that the railway company on or before May 1, 1914, construct a farm crossing at the point in question. See order 21294.

4725. Consideration of the matter of protection at the crossing of the G.T.R. and C.L.O. & W. Ry. Companies at Prince Edward street, Brighton, Ont. File 9437-1063.

Complaint withdrawn.

4726. Application of the Transportation Committee of the Board of Trade, Orillia, Ont., for an order directing the Canadian Northern Railway Co. to operate their spur line from Udney, a point on the Toronto-Sudbury line which connects with the C.P.R. line at Atherly, half a mile from Orillia, Ont. File 8437-9.

Matter struck off the list, to be reinstated at the request of the applicants.

## SESSIONAL PAPER No. 20c

4727. Consideration of the matter of protection of the level crossing of the Canadian Pacific Railway Company, at Albert street, Alliston station, Ont., File 9437-1095.

This application to be treated as an application for protection at Victoria street. C.P.R. Co. to file an answer accordingly.

4728. Application of the corporation of the township of Humberston, Ontario, under section 250, for an order directing the G.T.R. Co. to provide and construct suitable culverts under its line of railway known as the Buffalo and Goderich division of the Grand Trunk on lots 22 and 23 concession 1, township of Humberstone, Ontario. File 20681.

Board decided no formal order necessary unless applied for by the applicant.

4729. Consideration of the matter of protection at the crossing of the Grand Trunk Railway Company, at William street, London, Ont. File 9437-923.

Order made that no car or engine of the G.T.R. Co. be left standing within 50 feet of the east side of the said street. See order 21289.

4730. Consideration of the matter of protection at the crossing of the Grand Trunk Railway Company, at the first highway east of the station at Hastings, Ont., known as Bridge street. File 9437-652.

Order made that the crossing in question be protected by a watchman by the G.T.R. Co., to be on duty daily from 7 a.m. to 7 p.m. See order 21396.

4731. Application of the Canada Southern Railway Company, under sections 228 and 178, for authority to connect its tracks with the lines and tracks of the N. St. C. & T. Ry. Co. at the intersection or crossing of said railway near and west of the station of the applicant company at Welland, Ont., and for authority to take a part of lot 27, concession 6, of the township of Crowland, Ont, now owned by one W. H. Singer, for such purpose. File 23100.

Order made granting application. See order 21303.

4732. Application of the Guelph and Goderich Railway Company (C.P.R.) under sections 222 and 237 for authority to construct a spur on Harbour quay in the town of Goderich, Ont., at mile 111.8 on the applicant company's line, Guelph and Goderich subdivision. File 23461.

Order made granting the application subject to conditions set forth in the order. See order 21418.

4733. Application of Frederick Roach, Cherrywood, Ont., for an order directing the C.L.O. & W. Ry. Co. to pipe water from his spring (or allow him to do so) across the lands of the company and under their tracks on a line with culvert under said tracks on the west half of lot 30, concession 2, township of Pickering, Ontario. File 9437-4.

Order made directing the railway company to lay and maintain a 12-inch pipe under the embankment at the point in question, the applicant to have the right to lay a water pipe through the 12-inch pipe. See order No. 21847.

4734. Application of the Toronto, Hamilton and Buffalo Railway Company, under sections 221, 222 and 223, for authority to construct a spur in the city of Hamilton, Ont., from a point on the applicants' easterly belt line of railway and running thence to and through the lands belonging to the municipal corporation of the city of Hamilton (city sewage disposal works) and to and into the lands of Fowlers' Canadian Company, Ltd. File 22581-6.

Agreement to be prepared and submitted within two weeks. Board will then deal with the matter on the written submission of the parties.

4735. Application of the Toronto Eastern Railway Company for a temporary crossing order to cross the Oshawa Electric Railway Company's industrial spur to the carriage factory in the town of Oshawa, Ont., for a period of six months from the date of order and upon the terms and conditions contained in order of the board No. 14509.

Struck off the list. Before the Toronto Eastern Railway Company commence operation it must give notice to the Oshawa Electric Railway Company.

NOTE.—The question of the character of the protection is to be spoken to. File 15881.34.

5 GEORGE V., A. 1915

4736. Application of the Toronto Eastern Railway Company for temporary crossing order to cross the tracks of the Oshawa Electric Railway Company at Simcoe street, in the town of Oshawa, Ont., for a period of six months from the date of order and upon the terms and conditions contained in the last few lines of order No. 14508.

NOTE.—The question of the character of the protection is to be spoken to. File 15881-33.

Application struck out. Before the Toronto Eastern Railway commences operation it must give notice to the Oshawa Electric Railway Company.

4737. Application of Chas. A. Windatt, of township of Thorah, Ontario, under sections 154 and 250, for an order directing the C.P.R. Co. (Georgian Bay and Seaboard Ry.) to construct and maintain such drainage works upon their line of railway where same intersects his farm in lot 4, concession 10, township of Thorah, as may be necessary to prevent the flooding of his lands and damages from such flooding, and for an order under section 26a that he be relieved from the terms of certain agreement entered into with the railway company with reference to a culvert or cattle pass by reason of the violation thereof by the railway company. File 23676.

Matter stands, C.P.R. to submit its scheme for drainage by the 6th February, 1914.

4738. Application of the O. & Q. Ry. Co. (C.P.R.), under section 237, for an order authorizing proposed change of grade of present grade crossing and the construction by means of grade crossing of an additional track (double track) and siding tracks of the main line, London, S.D., across road northwest boundary of the town of Streetsville, township of Toronto, Ontario. File 22512-1

Order made directing the C.P.R. to construct a subway under its tracks at the crossing between lots 5 and 6, concession 5, in the township of Toronto, detailed plan to be filed within thirty days from the date of the order. Cost of construction to be paid: 20 per cent; not exceeding \$5,000 out of the Railway Grade Crossing Fund; 5 per cent by the village of Streetsville; 15 per cent by the township of Toronto, and 80 per cent by the railway company. See order No. 21904.

4739. Application of the Lake Erie and Northern Railway Company under section 178, for authority to expropriate certain lands belonging to Robert G. O. Thompson and Graham K. Stratford in order to enable the company to riprap the embankment between stations 102-52 and 111-58, and therefore prevent the embankment between these points from being washed away by the river, at a point near Brantford, Ont. File 18034-51.

No order made. Leave to applicant to renew on ten days' notice.

4740. Application of the G.T.R. Co., under sections 29 and 257, for an order amending order No. 14731 authorizing the applicant company to construct bridge No. 272, mileage 55-75 carrying the 13th district, Northern division of its railway across a farm road and stream on the west half of lot No. 20, concession 3, township of Albion, Ontario. File 18073.

Order made refusing the application. See order 21285.

4741. Application of the O & Q. Ry. Co. (C.P.R.) under section 237, for authority to change the present grade crossing in the Don road in lot 2, concession 3, east of Yonge street, township of York, Ontario, and to construct an additional track (double track) by means of a grade crossing the said Don road in lot 2, at mileage 93-65, Toronto subdivision. File 22262-17.

Order made granting the application, with leave reserved to the township of York to make an application at any time for a subway should the traffic warrant it. See order 21292.



## SESSIONAL PAPER No. 20c

4742. Application of the C.P.R. Co., under sections 222 and 237, for authority to construct branch lines from points on the Union Station tracks near Bathurst street in the city of Toronto, Ont., to the property of the corporation of the city of Toronto, leased to the applicant company for railway purposes lying to the east of John street, produced and to the south of Lake street, and to cross with said branch lines the highway or prolongations or allowance for highways known as Spadina avenue, John street, and Lake street, Toronto, Ont. File 13978.

Judgment reserved.

4743. Application of the O. & Q. Ry. Co. (C.P.R.) under section 222 for authority to construct a siding for the Conger Lehigh Coal Company, Ltd., Toronto, Ont., on subdivision lots 12, 13 and 14, 15, 16, 17, 18, 19 and 20, lying northerly of Vine street, Toronto, Ont. File 22333-11.

Order to go in accordance with the consent minutes filed.

4744. Application of the C.P.R. Company under sections 227 and 176, for authority to connect the tracks of siding constructed for the Wm. Davies Company, Ltd., at Toronto with the tracks of the G.T.R. and to operate with the said G.T.R. over portion of said tracks. File 1694.

No order issued. See judgment of Chief Commissioner, Appendix "C."

4745. Consideration of the matter of protection at the crossing of the Canadian Pacific Railway Company at Cherry street, Toronto, Ont. File 9437-1099.

Order made directing the C.P.R. to provide a cabin close to the crossing at Cherry street, Toronto, for the use of a flag man to protect the crossing, between the hours of 6.30 a.m. 7 p.m. See order No. 21878.

4746. Petition of the citizens of the village of Claremont, the northern half of the township of Pickering and the southern part of the township of Uxbridge, Ont., for an order directing the C.P.R. Co. to stop its trains at Claremont, Ont., and in the matter of order No. 21155, dated December 31, 1913. File 23052.

Order made refusing the application. See order 21273.

4747. Application of the municipal council of the corporation of Brampton, Ont., for authority to open up Hollstone avenue, in the town of Brampton, Ont., across the line of the C.P.R. Co. File 23741.

Order made granting the application, work to be done at the expense of the applicants. Question of protection and expense thereof reserved for future order of the board. See order 21291.

4748. Application of the corporation of the city of Toronto, Ont., for an order approving plan showing the reconstruction of the Strachan avenue bridges over the right of way of the Grand Trunk Railway Co. of Canada and the Canadian Pacific Railway Company. File 21673.

Order made allowing for three tracks in the C.P.R. Company's span to be 5 feet wider. See order 21395.

4749. Application of F. H. Keefer, Thorold, Ont., for an order directing the Bell Telephone Co. to provide individual service lines in Thorold, Ont., or that the rates be cut in half. File 3574-102.

No order made. Board's electrical engineer to inspect and report.

4750. Application of the city of Toronto, Ont., for the same telephone tolls to be applied in that territory recently annexed and formerly known as North Toronto as are now applied within the limits of the Toronto exchange. File 3574-74.

No order issued. See judgment of Assistant Chief Commissioner Scott, dated the 26th March, 1914. Appendix "C."

4751. Complaint of the Atlantic Lumber Company against the increased switching charge of the C.N.O. Ry. for delivery of cars from the Rosedale saw-mills to the connection with the C.P.R. and G.T.R. File 22269.

Application stands to be disposed of with the Rosedale Sawmill Company's complaint.

4752. Consideration of the practice of the express companies with respect to shipments from, and deliveries at, flag stations. File 4205, case 871, and File 23689. Judgment reserved. Board decided that no order should at present be made in connection with this matter.

4753. Application of the city of Toronto, Ont., for an order directing the express companies to extend their delivery limits in the city of Toronto fixed by orders Nos. 13357, 16331 and 16468, so as to include the district bounded by the Northern division of the G.T.R., Morrison avenue, and its prolongation, Dufferin street, and the existing limits on the south. File 4214-150.

No order made. Referred to the board's chief traffic officer for inspection and report.

4754. Application of the city of Toronto for an order directing the express companies to extend their delivery limits in the city of Toronto, fixed by orders 13357, 16331 and 16468, so as to include the highways and districts provided with permanent pavements since the said orders, the said streets and highways being shown orange and green upon the plan of the city of Toronto filed with this application and including generally St. Clair avenue and contiguous streets so far west as McRoberts avenue, Yonge street to the northerly limits of the city, Northeast Rosedale, Danforth avenue to the east city limits and the Kingston road to Main street, and the district known as the Beaches. File 4214-150.

Referred to the board's chief traffic officer for an inspection and report.

4755. Railway companies will be required to justify the proposed increase in the minimum weight per carload on certain grain, grain products and vegetables as published in schedules suspended by general order No. 116. File 23414.

Order made rescinding general order No. 116, dated 24th December, 1913. See general order No. 122.

4756. The G.T.R. and C.P.R. Companies will be required to explain the further postponement of the revised joint tariffs on lumber from the Southern States to Canadian points, and said new tariffs promised for October 15, as the effective date, not having been filed. Files 17050 and 2221.

Canadian Manufacturers Association to advise the board in case of further delay in having the matter settled, they to take it up with the G.T.R. Co.

4757. Application of the C.L.O. & W.Ry., for authority to close road allowance between lots 24 and 25, concession A., township of Brighton, Ont. File 370132.

No order issued: see judgment of Commissioner McLean dated the 16th March, 1914. Appendix "C."

4758. Consideration of the bridge tolls charged as follows:

By the C.P.R. for the bridge service between Fairville and St. John, N.B.,

Fredericton and Gibson, N.B., and Castlegar and West Robson, B.C.

By the G.T.R. between Coteau and Valleyfield, Que.

By the O. & N.Y. Ry. at Cornwall, Ont.

File 1179.

Judgment reserved.

4759. Application of the Montreal Board of Trade under section 315, on behalf of the Montreal Corn Exchange Association, for an order directing the G.T.R. Co., to put into effect at its Montreal elevator the same charges and conditions for elevation storage and loading of grain into cars as are in force at its elevators at Georgian Bay ports. File 23706.

Board directed that the Montreal Warehousing Company be added as a party. Further hearing of the application to stand until the March traffic sittings of the board. Mr. Cusholm to file a further statement in regard to the matter within ten days.

## SESSIONAL PAPER No. 20c

4760. The railway companies subject to the board's jurisdiction are required to show cause why provision should not be made in their tariffs for day-seat fares in tourist sleepers. File 22694.

Judgment reserved.

4761. Consideration of the question of the removal of agents from permanent stations by railway companies as covered by the board's general order No. 119. Files 14895 and 4205-7.

No order made. See judgment of Assistant Chief Commissioner Scott, dated the 19th February, 1914. Appendix "C."

4762. In the matter of the application for connection between the O.P.R. Company's train No. 305 and the New York and Ottawa Railway Company's train No. 20, at Finch, Ont. File 20632.

Judgment reserved.

4763. Application of Henry Ray, township of March, Ontario, under sections 252-253, for an order directing the C.N.O. Ry. Co. to provide and construct a suitable farm crossing where the company's railway intersects his farm in the south half of lot 25, concession 3, township of March, Ontario. File 3561.194.

Order made directing the C.N.O.R. to provide and construct a permanent undercrossing through the applicant's farm, as set forth in said order, applicant to give the company a satisfactory bond for the refund of any amount he may have received from the company in excess of a reasonable valuation of the land taken by it. See order 21380.

4764. Application of M. W. Smith, Beaverdell, B.C., under section 253, for an order directing the Kettle Valley Railway Co. to provide and construct a farm crossing over its railway where the same crosses his farm, and in the matter of order of the board No. 20407, dated September 23, 1913. File 11738.41.

Order made rescinding order No. 20407, dated 23rd September, 1913, in so far as it directs a crossing at the west boundary of the applicant's farm. This order is without prejudice to the right of the said applicant to apply for an additional farm crossing if and when need therefor is established. See order 21427.

4765. Complaint of J. E. Colwell, Tapley's Mills, N.B., against the alleged uncompleted condition of Teeds siding on the line of the C.P.R. Co. File 23336.

Board decided the matter should stand until material is filed with it showing public demand for a loading siding at the Dibblelee Road crossing.

4766. Application of the city of Montreal, Que., to lay, maintain and operate an 8-foot diameter steel water main under the tracks and along and upon the right of way of the Grand Trunk Railway Co. situate upon and being part of lot 2410 of the cadastral plan of the municipality of the parish of Montreal, to be used by the city as an emergency supply to deliver water from Lachine canal to Montreal water works system at Atwater avenue pumping station. File 23775.

Order made. City Attorney, Montreal, to file draft order.

4766. Application of the city of Montreal, Que., to lay, maintain and operate an 8-foot diameter steel water main beneath the right of way of the C.P.R. Co. at chainage 260/16 from mileage 42-89, Adirondack Junction to Bresley, Eastern division, Montreal Terminals, Lachine canal, South Bank branch. File 23776.

Order made. City attorney, Montreal to file draft order.

4768. Consideration of the question of the principle of the determining of what company should report accidents on joint sections or in instances where two or more companies are concerned. File 19399, part 2.

Judgment reserved.

4769. Petition of F. C. Clarkson, Toronto, Ont., for an order directing the railway companies and other corporations interested in the acquisition of lands in connection with the Union Station, Toronto, Ont., to immediately proceed with the expropria-



tion by filing the necessary plans and appointing arbitrators to ascertain the value of the said lands in accordance with the Railway Expropriation Act; or in the alternative to relieve the said lands from all direct or implied restriction and enable your petitioner to deal with same in the open market. (Adjourned hearing.) File 588-30.

Case settled.

4770. Application of the Cedar Rapids Manufacturing and Power Company, under section 178, for authority to expropriate certain lands in lots 262, 266, 267, 268, 269 and 265 belonging to John Vincent and Idala Charlebois, in the Parish of St. Ignace de Coteau du Lac, Que., and in lot 183 of the parish of St. Polycarpe, Que., belonging to Charles Houle, said lands being required for right of way for a transmission line. File 23677-1.

Order to go granting the application.

4771. Complaint of the Canadian Manufacturers Association, against the advanced minimum weights on paper and woodpulp to the Northwest, published in Canadian Pacific Supplement 40 to Tariff C.R.C. No. E-2353, and Grand Trunk Supplement 28 to C.R.C. No. E-2513, suspended by order of the board. The C.P.R. Co. will also be required to speak to the question of whether such notice as required by the Railway Act was given by it in connection with the issuance of supplement 44 to C.R.C. E-2353. File 19475-6.

Order made on consent, cancelling the 40,000 pounds minimum and fixing it at 35,000.

4772. Application of the Dustbane Co., Ltd., of Ottawa, under section 226, for an order directing the C.P.R. Co. to provide and construct a suitable spur track at mileage 85.2 where the company's railway (the Montreal and Ottawa Division) crosses lot 11, Junction Gore, township of Gloucester, Ont. File 22370-33.

Order made directing the railway company to construct a branch line as applied for. See order 21874.

4773. Application of the municipality of the township of Nepean, Ontario, for an order under section 237 directing the C.P.R. Co. to provide and construct a suitable highway crossing where the company's railway intersects Second avenue, as shown on plan of subdivision of lot 28 and part of lot 27, concession 1, Ottawa front, township of Nepean, Ontario. File 23005.

Order made granting the application. Expenses of crossing on the township.

4774. Application of the Port Hope Telephone Co., Ltd., for an order directing the Bell Telephone Co. to provide a connection between the lines of the two companies for the purpose of interchange of business between the two companies at the town of Bowmanville, Ont. File 3839-209.

Order made dismissing the application.

4775. Application of the C. L. O. & W. Ry., under section 178 for authority to take certain lands, being parts of lots 185, 184 and 178 in the town of Bowmanville, Ont., for the purpose of constructing a freight yard and approaches thereto to secure the convenient accommodation of the traffic upon its railway at the town of Bowmanville, Ont. File 3701-351.

Order made authorizing the applicant company to take certain lands as applied for as set forth in the order upon conditions therein named. See order 21641.

4776. Application of the C.L.O. & W. Ry., under section 237, for authority to cross Seugog street with two tracks to its proposed freight yard in subdivision lots 145, 178, 179, 184 and 185, of block 1, Bowmanville. File 3701-352.

Order made that the railway company construct on or before 1st of May, a farm crossing as applied for, the G.T.R. Co. to replace the planks in crossing over its railway as soon as required. See order No. 21294.

## SESSIONAL PAPER No. 20c

4777. Application of Gillies Bros., of Braeside, Ont., and Geo. Baker, Arnprior, Ont., for interchanage tracks between the C.P.R. Co. and the G.T.R. Co at Arnprior, Ont. File 6713-52.

Judgment reserved.

4778. Application of the Board of Trade of Pembroke, Ont., for an order directing the C.P.R. Co., C.N.R. Co., and G.T.R. Co., to provide interswitching facilities between their respective lines in the town of Pembroke, Ont. (Adjourned hearing.) File 6713-50.

Judgment reserved.

4779. Application of the Montreal Board of Trade under section 215 on behalf of the Montreal Corn Exchange Association, for an order directing the G.T.R. to put into effect at its Montreal elevator the same charges and conditions for elevations, storage and loading of grain into cars as are in force at its elevators at Georgian Bay ports. (Adjourned hearing.) File 23706.

Matter referred to the Board of Grain Commissioners, Fort William, to deal with.

## APPENDIX C.

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDED  
MARCH 31, 1914.

## RE REMOVAL POLES, WIRES AND CABLES FROM CERTAIN STREETS, CITY OF HAMILTON.

The Hamilton Electric Light and Cataract Power Company; the Hamilton Cataract Power, Light and Traction Company; the Great North Western Telegraph Company; the Canadian Pacific Railway Company's Telegraph; and the Bell Telephone Company of Canada.

The city of Hamilton applied to the Board for an order directing the companies above named to remove their poles, wires and cables, as the case may be, from the portions of streets in the city of Hamilton, particularly referred to in the applications.

The applications were heard at the city of Hamilton on the 28th day of April, 1913.

At the conclusion of the hearing the Chief Commissioner delivered the following oral judgment:—

I am referring now to the applications made by the city of Hamilton to compel the Great North Western Telegraph Company, the Canadian Pacific Railway Company's Telegraph, and the Bell Telephone Company to take all poles and wires off specified streets.

We have been endeavouring for a length of time to get some proper data on which to proceed in connection with the distribution of costs in these cases. The matter has been taken up, not only with the city, but with others; and we have been endeavouring to get data from different places in the United States, and also some information as to what success the Quebec Provincial Commission has had in formulating a rule to be followed in such cases.

The case was heard by Mr. Commissioner McLean and myself in November, if I remember rightly; and, while we were unable to deal properly with the question of costs to-day (in view of the lack of this information, we shall have to take it up probably from another standpoint), the applications can be disposed of, in order that the work may go on, now that the winter is over.

The companies' objections as to the feasibility of the work and the use of joint conduits, we do not think are well taken. The plans of the city, as amended by the Board's expert, the expert of the Hydro-Electric Commission (who was associated with the Board's expert), and the experts of the different companies considering the plans, seem to us to be sufficient to answer the purpose, and to answer it safely. So structurally, and from an engineering standpoint, we find that there is no objection to the wires of the Great North Western Telegraph Company being placed underground in conduits to be supplied by the municipality as the municipality desires.

The position of the Bell Telephone Company is different. In our view, it is better, not only for the Bell Telephone Company, but also for the municipality itself, that a system which, having regard to the length of streets now under construction—a large proportion of its works being already underground—should be continued under one management and one ownership, so far as conduits are concerned; but the Bell Telephone Company will be directed to carry its wires underground in this particular part of the city—with one qualification.

While the Telephone Company objected entirely to the doing of the work, its real objection was the fact that the people on the streets, those to be benefited by the



## SESSIONAL PAPER No. 20c

removal of the poles, would not allow the company to use their back premises in any way for the purpose of erecting poles, so that the wires going to the different subscribers could properly and be economically carried to their houses and places of business. The result of the labours of the Quebec Commission seems entirely to support the view of the company; and I understand that it is also the view of the local authorities here. Mr. Sifton's own plans support the view, that it would be impracticable as well as extravagant to carry the individual wires directly from the underground conduits into the houses of the consumers. I understand that Mr. Sifton, representing the city, does not propose to do so. That is right, is it not?

MR. SIFTON: Yes.

THE CHIEF COMMISSIONER: But he will supply consumers from poles erected in the rear, and that he is now making arrangements to get pole-rights, in order that he may feed in from the rear.

MR. SIFTON: Yes.

THE CHIEF COMMISSIONER: The Bell Telephone Company, therefore will not be required to place underground the connections to individual houses and stores. That will be looked after in the same way that the city's own work will be looked after, by poles erected in the rear, forming a cheaper and much more efficient method of construction. The city is now arranging for its own pole facilities; and it will arrange for the Bell Telephone Company. Where the city is getting easements for its poles, it can very easily carry attachments for the Bell Telephone Company, so that their subscribers may get proper service from the rear. With that qualification, and upon that being done by the city, the Bell Telephone Company will take its poles and wires off the streets in question. Those streets have been carefully considered by Mr. McLean and myself. They are probably some of the most important in the city. They are congested; there are entirely too many poles and wires on them; and the city's request for the removal of the poles is, we think, entirely reasonable.

Each matter under the Act will have to be dealt with on its individual merits, everything considered; and the fact that a municipality makes a request, and we are granting it in this case, does not warrant the conclusion that poles are to be taken off all city streets.

On the question of cost, we have not been able to get the necessary data. It will, however, be dealt with as soon as possible.

COMMISSIONER MCLEAN: I agree with the disposition of these applications as expressed in the judgment of the Chief Commissioner.

Ordered accordingly.

RE COST AND LOCATION OF STREET RAILWAY, ELECTRIC LIGHT, AND TELEPHONE WIRES ALONG GRADE SEPARATION, NORTH TORONTO.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, June 4, 1913.

This application is made necessary because of the decision of the board to separate the grade of the crossings of the tracks of the Canadian Pacific Railway and the Canadian Northern Railway over the streets in the northern part of Toronto.

It necessitates the changing of the wires of the Toronto Electric Light Company, the Bell Telephone Company, and the Hydro Electric at different points.

There are two things to be settled: One is the method of the crossing, and the other is the cost.

First of all, dealing with the method: The Board is of the opinion that all wires at Yonge street should go underneath; also all wires at Avenue road, with the exception of the long distance wires of the Bell Telephone Company. It is realized that, as things are to-day with regard to the facilities, the long distance service may be prejudiced or deteriorated by putting the wires underground. It is in the public interest that as good a service as possible should be available. Therefore, until some further

discovery or improvement is made, which will permit the wires to be put underground and a good service maintained, we will allow the Bell Telephone Company to maintain its long distance wires overhead. I think at the other streets it is agreed that underground construction should be followed.

Then, with regard to the question of cost and contribution, if any, from the railway and the city; that is what we might call the joint enterprise. In the Brock Avenue case, the Board came to the conclusion that the Bell Telephone Company should, at its own expense, pay the cost of the necessary change in its construction, that is, the change made necessary by the construction of a subway which carried Brock avenue under the tracks of the railways. We thought, then, that, while the Bell Telephone Company had the right to be on these streets, there was no guarantee that the grade of the street should not, at some future time, be changed in the public interest. That principle, we think, applies here. These different concerns that have these wires have rights on the street; but there is no guarantee that the grade of the street shall not be changed when the public interest demands it.

It is in the public interest that these grade separations should be brought about; and if in bringing them about some changes are necessary in the location of the wires of these companies, we think that the companies should bear the entire expense of looking after their own wires. Therefore, an order will go accordingly.

This will in no way affect the scheme of distribution of cost of the grade separation itself, which we will have to deal with at some later date. As far as the wires are concerned, each interest will have to look after its own wires and bear the entire expense of the change.

Ordered accordingly.

TORONTO AND NIAGARA POWER CO. AND C.P.R. CO., WIRE CROSSING, TOWNSHIP OF YORK.

The CHIEF COMMISSIONER: This is an application made by the Toronto and Niagara Power Company for an order permitting the applicant company to carry its wires across the right of way of the Canadian Pacific Railway Company in lot 6, concession 3, township of York. The application is objected to by the Canadian Pacific.

The application was heard at a sittings in Toronto on the 15th instant. The objections of the railway company are entirely based on the fact that, in their view the span from one tower to the other on either side of the railway allowance is too great. The question is entirely one for the engineer. The matter was referred to him for investigation and report.

Mr. Murphy finds the present construction to be insufficient. He thinks that angle towers or strain towers should be placed at the locations, south of and immediately next the tracks, now occupied by standard towers. Angle or strain towers are already provided on the other side. The question of cost will probably range from some \$500 to \$1,000, and the construction recommended by the electrical engineer should, in my view be ordered. The construction is to be carried out under his supervision, and details of towers to be submitted to him for approval. The order in this case before being issued will be submitted to Mr. Murphy, as a former order No. 4669, with which he is conversant, will have to be dealt with.

Commissioners Mills and Goodeve concurred.

Order issued authorizing crossing; angle towers to be placed at the points south of and immediately next the tracks instead of the standard towers shown on the plan; the work to be done under the supervision of the electrical engineer of the Board; and detail plans of the said towers to be submitted to him for approval; and the Canadian Pacific Railway Company directed to permit such crossing accordingly.

July 29, 1913.

## SESSIONAL PAPER No. 20c

## RE ERECTION OF TELEPHONE LINES BY BELL TELEPHONE CO. IN MONTREAL.

The CHIEF COMMISSIONER: This is an application made by the Bell Telephone Company asking the Board's consent to the erection of telephone lines on some twenty-one streets, the names and particulars of which are set out in the application of the company and with particularity in the letter of Mr. Hoyles, general solicitor of the company, under date of June 24, 1913. Complaint has also been made by would-be customers as to the failure of the Bell Telephone Company to supply telephone connection. The reply of the company to these complaints is that application was made to the city for permission to erect the necessary poles in order to give the service asked, and that the city has not given the requisite permission.

The case came on for hearing before the Board at a sitting held in Montreal on Tuesday the 8th day of July. At this sitting the city was represented. No specific objections were made to construction on any given street on behalf of the city, nor did the city submit any evidence showing that any of the streets were of a character on which pole construction, if allowed anywhere, would be objectionable. On the other hand, the city's position is that, having passed their by-law which provides that no poles shall be erected generally, that no consent of any kind should be given whether the streets were not, as a matter of fact, streets of a character on which poles might, pending the ultimate solution of the pole problem in Montreal, be allowed in the public interest to be erected.

Under these circumstances it was thought necessary that the Board's own electrical engineer, Mr. Murphy, should inspect the different streets and report to the Board on the character of the streets and the propriety of the proposed construction. Mr. Murphy has since reported that none of the streets in question are as yet ready for underground wire construction; that they are all in outlying undeveloped districts so rapidly changing in character that electric light lines of pole construction have been since erected on some of them in the positions described in the application of the Bell Telephone Company; and that, under the circumstances, no Engineer would recommend placing the wires underground.

I am of the view that the application should be granted. Changes have been made in the names of some of the streets since the application was first launched, and the streets and distances thereon, on which pole construction can be made and which are to be described in the appropriate order are set out in Mr. Hoyles' letter of June 24, as corrected by Mr. Murphy. The draft order is to be submitted to Mr. Murphy so that he may check the streets and distances. The details of the plan of construction must be subject to Mr. Murphy's approval. It may be that in some instances, notably on Beaumont avenue and Church avenue where other wires are already erected, special details of construction should be submitted by the company to Mr. Murphy.

Mr. COMMISSIONER McLEAN concurred.

Order, granting application, issued.

July 29, 1913.

## RE BURRARD INLET TUNNEL AND BRIDGE CO.

The CHIEF COMMISSIONER: Mr. Hanes, the Mayor of North Vancouver, by his complaint of the 18th inst., draws the Board's attention to the fact that the Burrard Inlet Tunnel and Bridge Company has as yet not been organized under the provisions of the Railway Act, and that the business of the undertaking is being carried on entirely by the provisional directors. Accompanying this complaint is a statement of the company, being revenue account to December 31, 1912, from which it appears that the provisional directors have paid for calls of 25 per cent on stock subscriptions \$2,000, while the municipality of North Vancouver has paid \$25,000, the city of



5 GEORGE V., A. 1915

Vancouver \$20,000, and the city of North Vancouver \$10,000 for calls of 10 per cent on their subscriptions; and that of the resultant total of \$58,000, only \$11,783.27 remains in the hands of the provisional directors.

The legality of some of the payments made by the provisional directors is attacked. The Board will not deal one way or the other with issues of the character, the complaining subscribers having their appropriate remedy, if any, in an action in the provisional court. This Board has never interfered, and should not interfere, in such issues.

Complaint is also made as to the action of the provisional directors in making agreements under which 5 per cent or \$105,000 of the estimated cost of the bridge is to be paid to certain engineers, and also in providing for the payment of resident engineers and assistant inspectors, increasing the liability by some \$30,000 or \$40,000. The complaint has been answered by Mr. Guthrie, counsel for the company in Ottawa, who has filed a statement of facts in connection with the matter. This statement shows that the petitioners to the Act of incorporation, and who are the present provisional directors, acted from the first as trustees for the municipalities subscribing stock; and that the undertaking of the company is public; and that the moneys for carrying it on are to be provided by the municipalities and by subsidies from the Dominion and Provincial Governments. The statement further shows that the whole of the subscriptions of stock amount to only \$562,000, and agrees with the complaint of the mayor of North Vancouver as to the amount paid thereon.

It is also shown that arrangements have been made for additional subscriptions by North Vancouver and by the city of North Vancouver; that necessary by-laws have been passed; but that owing to difficulties arising under the provisions of the Municipal Act, the completion of the work of securing subscriptions has been held in abeyance, pending remedial legislation.

Mr. Guthrie likewise points out that proper minutes of the meetings of the provisional directors have been kept, and that these minutes show throughout whatever was done by the provisional directors of any importance with the co-operation and approval of the municipalities. Other matters are also covered by the memorandum which it is unnecessary to go into, because as has already been stated, the Board will not pass on any issue arising between the municipalities and provisional directors.

The main object of the incorporation of this company is the building of the bridge, and necessary approaches thereto, over the second narrows of Burrard Inlet for foot passengers, carriages, and street railway traffic. The construction of one or more short lines of railway being perhaps a subsidiary consideration.

The provisional directors have, notwithstanding the fact that no organization has taken place, already obtained the Board's consent to the location of their bridge and the approval of the general plan. They have since filed detailed plans, which have been checked and as reported to me by the Engineer are satisfactory and ample for their purposes; and the application is now pending before the Board for the approval of approaches to the bridge.

The question of the right of provisional directors to obtain approval of plans and of locations of rights of way, etc., does not yet seem to have been considered by the Board; probably, I would imagine, because that question has never been called to its attention, and that the Board either assumed, or the fact was organization had in all instances taken place before action looking towards construction was ratified by the board. I think it is clear that, under the Railway Act, it is not open for provisional directors to carry on the business of the undertaking. The powers of provisional directors are not even as great as those under the Ontario statutes, where provisional directors enjoy the powers of directors until organization. The provisional directors, under the Railway Act, have no such authority, their powers being specifically defined by section 81, sub-section 3, as follows:—

## SESSIONAL PAPER No. 20c

"3. The provisional directors may—

"(a) forthwith open stock books and procure subscriptions of stock for the undertaking;

"(b) receive payments on account of stock subscribed;

"(c) cause plans and surveys to be made; and

"(d) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed."

Before this company can be organized and empowered by the Board to carry on business, stock to the extent of at least \$750,000 must be subscribed, and at least \$75,000 paid into some chartered bank to the credit of the company. Railway companies have powers of great plenitude. The filing of plans and the approval of locations, apart entirely from the rights of expropriation, affect private interests. The provisions as to the organization and stock subscriptions are provisions made for the protection of the public and must strictly be adhered to. For the purpose of disposing of this matter, I credit the promoters with the best of faith; but their entire bona fides is no answer to the complaint of the mayor of North Vancouver. The company has not been organized; and, until it is organized all applications of the company, under the provisions of the Railway Act, for approval of plans, locations, or otherwise, will be refused.

The approval already granted was made in July last by a section of the Board presided over by the Assistant Chief Commissioner, who tells me that if the fact of the lack of organization had been brought to his notice, no order would have been made.

With a view of preventing in the future the recognition of any unorganized company, evidence must be filed with the Board showing that the provisions of the Act relating to organization have been complied with, as a necessary part of the material of the first application of newly incorporated companies.

Assistant CHIEF COMMISSIONER SCOTT and Commissioner MILLS concurred.  
March 31, 1913.

## RE QUEBEC CENTRAL RAILWAY COMPANY—JURISDICTION OF BOARD.

The CHIEF COMMISSIONER: Complaints have been made to the Board as to the operation and practices of the Quebec Central Railway Company; and the question as to whether or not that railway is subject to the jurisdiction of the Board was heard at Ottawa on the 18th March.

The Quebec Central is a provincial company incorporated under the statutes of the province of Quebec.

The railway has, however, been acquired by the Canadian Pacific Railway Company under a lease dated October 2, 1912.

This lease seems to give absolute control of the railway and its operations to the Canadian Pacific Railway Company. Under it, not only the railway now constructed, but also all extensions, branches, and additions that the lessor—that is, the Quebec Central Railway Company—may hereafter be authorized to construct by the Parliament of Canada, by the Legislature of the province of Quebec, or by the Board of Railway Commissioners for Canada under the provisions of the Railway Act and Amendments, with all appurtenances, are leased to the lessee—the Canadian Pacific Railway Company—for a term of nine hundred and ninety-nine years.

The lessor's corporate acts are subject to contract with the lessee, the lessor agreeing not to issue any additional capital stock, bonds, or other financial obligations, without the lessee's consent; and, at the same time, agreeing to sell all or any part of the existing capital stock within its control, and use its best endeavours to obtain power to create, and thereafter create and issue, additional capital stock, if the lessee so desire. On the same request the lessor must issue bonds or debenture stock to such amount or amounts and at such rate of interest, not exceeding 4 per cent, as the lessee

fixes. The lessor is to apply the proceeds of such bonds or debenture stock in such proportions and in such manner towards the construction or permanent improvement of the railway as the lessee may direct; or, at the option of the lessee, the lessor is to pay over the whole or any part of such proceeds to the lessee, in order that the lessee may itself, according to its own discretion, apply the same as aforesaid.

The lessee also has the right to exercise all the franchises and powers of the lessor in operating the railway, in building branches under the Railway Act or under any Act of the Legislature of the province of Quebec, and has the right to use the names of the lessor.

The officers of the lessor are required on the demand of the lessee, to append their signatures and affix the seal of the lessor to any document useful in the exercise of the lessor's rights and franchises. The lessee, of course, can do what it likes in connection with the running of the trains, may make such rules, regulations, and by-laws touching the railway as it deems advisable, and is to make the tariff or tolls.

The only matters left to the lessor, to warrant its continued corporate existence, seem to be the issue of further stock, bonds, and debentures, and the receipt of rent.

The rent takes the form of the payment of interest on the company's bonded or debenture stock indebtedness, and a dividend upon the capital stock of the lessor for the time being issued and outstanding at the rate of 4 per cent for the first four years of the term and afterwards at the rate of 5 per cent. It would appear that this collection is in its turn probably a matter of form in so far as the lessor is concerned, and that the lessee probably, through some official of its own, who may have the added dignity of an official name in the lessor company, will make these payments direct to the shareholders of record and to the bond and debenture stockholders.

On the other hand, it should be pointed out that the lessee covenants to do everything, during the term of the lease, necessary for the preservation of the property and franchises of the lessor, and for keeping alive its incorporation for all purposes mentioned in its Acts of Incorporation; and that the lease contains provisions for surrender at the end of the term, and for re-entry for non-payment of rent.

The probable reason for the continuance of the corporate functions of the lessor would seem to be—first, the maintenance of the defined interests of the shareholders in the company, as represented by their stock certificates, unchanged, thus obviating difficulty in determining their interests, and making their compensation easy of adjustment in the form of the dividend secured; secondly, the issue of securities by the lessor for the purposes of the road, enabling the Canadian Pacific to construct new lines under provincial Acts, if they are found favourable, and to operate said lines without interference from the Board of Railway Commissioners.

The lease was submitted to the Board for its approval under section 361 of the Act; and a consideration of the provisions of that section and of section 362, as well as subsection 21 of section 2, is now necessary. Section 361 deals with the sale or lease of the company's railway and undertaking by one company to another, either in whole or in part, or for amalgamation. Under the terms of the section, the agreement has to be submitted to the Board, with the application for its recommendation to the Governor in Council for sanction, the duty of the Board being, in the proper case, to recommend to the Governor in Council the sanctioning of the agreement.

Under section 362, companies agreeing to amalgamation are deemed to be amalgamated and form one company in the name and upon the terms and conditions which the agreement provides, and the amalgamated company is to possess and be vested with . . . all the powers, rights, and franchises . . . belonging to, possessed by, or vested in the companies parties to the agreement. The interpretation of "railway" sections 2, subsection 21, shows that the word includes any railway which the company has the authority to construct or operate.

Section 362, however, has no application. Absolute as is the acquisition by the Canadian Pacific Railway Company of the railway in question, there is nothing in



## SESSIONAL PAPER No. 20c

the agreement providing one way or the other for amalgamation, a matter necessary to the operation of this section.

Ordinarily speaking, section 361 of the Act would have no application under the decision of the late Chief Commissioner, Mr. Justice Mabee, on the application of the Montreal Street Railway for approval of amalgamation agreements with the Montreal Terminal Railway and the Montreal Park and Island Railway Companies. In that instance the local company, the Montreal Street Railway Company, absorbed two Dominion incorporations—the Montreal Terminal and the Montreal Park and Island Railway Companies. Mr. Justice Mabee held that section 361 deals only with the federal companies and not with two provincial companies, nor with a federal and a provincial company; and that, therefore, the section has no application to the sale of a federal railway and its assets and facilities to a provincially incorporated company. This judgment would apply in the present case, if it were not for the Act obtained by the Canadian Pacific Railway Company (2 Geo. V, chap. 78, section 14), which provides that, subject to the provisions of sections 361, 362 and 363 of the Railway Act, the company may, for any of the purposes specified in section 361, enter into an agreement with the Quebec Central Railway Company, and may lease the railway and undertaking of the latter company.

The Board recommended the agreement in question for the sanction of the Governor in Council on the 28th November, 1912, and that sanction was granted. The Quebec Central Railway is now a railway operated by the Canadian Pacific Railway Company. Is it a "railway" within the definition of the Railway Act? Mr. Beatty claims, firstly, that its operation by the Canadian Pacific Railway Company is not under the provisions of the Railway Act, but under the special Act of 1912, claiming that before the Canadian Pacific Railway Company could operate a provincial line under a provincial charter, special authority had to be obtained from the Dominion Parliament; and, secondly, that the railway operated under the section of the interpretation clause already referred to, means a railway subject to the provisions of the Railway Act—in other words, a railway either incorporated by the Dominion Parliament, or specially declared by that Parliament to be a work for the general advantage of Canada.

In the case of the Preston and Berlin Street Railway Company vs. the Grand Trunk Railway Company, an application was made by the street railway for an order of the Board permitting it to use a small portion of the Grand Trunk Railway Company's land for the purpose of its street railway—a provincial road. The application was refused, the late Mr. Justice Killam holding that the provision in the Railway Act giving the Board power to authorize the use by any company of the railway tracks or the land of another company applies only to a railway authorized by an Act of the Dominion Parliament, or declared to be a work for the general advantage of Canada.

Everything considered, I am of the view that this Board has no jurisdiction. The line is still a provincial line. The judgments both of Killam J. and Mabee J., affirm the proposition that the railways subject to the provisions of the Railway Act are only those subject to the jurisdiction of the Dominion Parliament, with certain exceptions of no importance here. This must be necessarily so. I think it also apparent that the mere Act of the Dominion company, such as the purchase of a provincial line, cannot of itself oust provincial jurisdiction.

This is not a case of a Dominion company operating a provincial line under the Railway Act, which may or may not be possible and the Board is not to be understood as determining that under no circumstances can it have jurisdiction over a company as such, enabling it to regulate operation apart from any authority to compel the building of industrial branch lines or the enlargement of the track facilities of the railway itself. Here the right of operation has been granted to the Dominion company by a special Act of the Parliament of Canada.

The case appears to require legislation to deal properly with it. It seems contrary to public policy and the proper administration of the railway system, that a

5 GEORGE V., A. 1915

Dominion company, in so far as its major operations are concerned, should be subject to the jurisdiction of the Board, and be exempt from such jurisdiction—be, so far as this Board is concerned, entirely free from control of any kind, on a small part of the line operated because of certain legal distinctions which cannot appeal to the shipper or passenger, or in any way affect the exigencies of traffic.

An undivided control in operation is probably more important than construction. Uniformity of railway practice, a most important essential, would seem to demand that railway companies, however incorporated, should, when operated by any of the large Dominion systems, be subject to Dominion control.

Assistant Chief Commissioner Scott concurred.

March 31, 1913.

REDUCTION OF A CERTAIN PASSENGER TRAIN SERVICE IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN. CANADIAN NORTHERN RAILWAY COMPANY.

Mr. Commissioner MILLS:

On November 1, 1913, the Board of Railway Commissioners—on the application of the Boards of Trade of Youngstown, Oyen, Chinook, and Hanna, in the province of Alberta—directed the Canadian Northern Railway Company to furnish a daily (except Sunday) passenger service on its line of railway west of Alsask, in the province of Saskatchewan; said service to be put into effect not later than the 10th day of November, 1913.

The railway company is said to have furnished the service as above ordered by the Board; but, in a communication dated January 26, 1914, the company has submitted figures which go to show that it is losing money on its passenger service west of Alsask; and it has asked the Board.—

To sanction the reduction of the passenger train service west of Kindersley to Hanna to three trains per week in each direction until such time as the business warrants it being put back to a daily, except Sunday, service.

Our chief operating officer has examined the figures submitted by the company; and, on his recommendation, I think it is only fair that the Board should authorize the company to reduce the daily passenger service each way, excepting Sunday, to a tri-weekly passenger service each way between Kindersley and Hanna from the present time till the 1st of June, 1914.

Chief Commissioner Drayton concurred.

February 4, 1914.

COMPLAINT OF THE VILLAGE OF ENTWISTLE, ALBERTA, RE DISCRIMINATION BY THE GRAND TRUNK PACIFIC RAILWAY COMPANY.

Mr. Commissioner McLEAN:

The situation in connection with freight and passenger accommodation at Entwistle, Alberta, as already been gone into at length by the Board, and as has been indicated, after a careful inspection and after thorough consideration of the situation both from an engineering and operating standpoint, the Board came to the conclusion that it was impossible to direct the railway to have station accommodation at King street, in the village of Entwistle; and the Board approved of the station location at the point as applied for by the railway. In view of the care with which the matter was gone into, it would seem superfluous to refer further to this phase of the matter. The village of Entwistle, with a pardonable belief in its opportunities of growth, has recurrently brought the matter of its station accommodation before the Board. It may as well be said that the matter of the station location as to Entwistle is settled, and that unless an entirely new set of facts is disclosed there is no necessity of attempting to reopen it. There must be finality.

## SESSIONAL PAPER No. 20c

By way of minimizing the danger of a stop at King street, the secretary-treasurer of Entwistle refers to other spur track conditions. He refers to a proposed spur for the Pembina Quarries, Ltd. This, from the blue print furnished by him, shows a spur running off from the spur to the Hislop mill. It is stated that grading in connection with this extended spur has already been done by the railway. If this grading has been done off the right of way of the railway it is in violation of the provisions of sections 222 to 225, inclusive, of the Railway Act, since no application has been made to the Board. If such an application is made, then, in my opinion, if it is in accordance with the blue print already referred to, the Board would not be justified in sanctioning such a spur from the point of connection as indicated. Reference is also made to a proposed spur from the Canadian Northern west of the Pembina river, to the Pembina Coal Company's property. It is stated that this starts at a point 160 feet west of the river. No application has as yet been received in connection with a spur from the Canadian Northern to this property. This portion of the railway is not yet open for traffic. When the application, if any, is before the Board, full weight will be given to the danger caused by the proximity of the river.

The Municipality, in furtherance of its application for accommodation at King street has drawn the Board's attention to the station which exists at the Pembina Coal Company's spur, west of the bridge over the Pembina river; and it is considered that what has been done at this point is an argument for reconsideration as to the village of Entwistle.

An application was filed with the Board by the Grand Trunk Pacific Railway Company, under date of September 24, 1913, asking for the Board's sanction of "an Order authorizing the construction, maintenance and operation of a branch line or spur and sidings, for the Pembina Coal Company, Limited, in sections 19 and 30, township 53, range 7, west 5th meridian, district of North Alberta, province of Alberta." The Board received a communication from Mr. Charlesworth, Director of Surveys of the Department of Public Works, Alberta, dated September 27, consenting to the crossing of the road allowance; and thereafter the Board's order 20497 issued sanctioning the construction of the spur. The road allowance referred to is 1,084 feet west of the bridge, and the switchstand of the spur is 500 feet west of the road allowance. The location of the spur track in question is at such a distance from the bridge as to make its operation safe.

It developed in the course of the investigation by the Board's inspector that a temporary station for freight and passengers has been built just west of the road allowance already referred to, and east of the spur track leading to the Pembina Coal Company's mine. Pembina mines is shown as a station on the railway company's timetable. Bulletin No. 378 of the Grand Trunk Pacific provides that trains 3 and 4 shall stop on signal at the Pembina Coal Company's spur; that is to say, the spur which has just been referred to. When the railway was telegraphed to in regard to this station, the following statement as to it was received.

"There is only a small shelter on the ordinary right of way for the accommodation of coal company's employees, and no regular station has been provided. This has been done by reason of fact that persons destined to the Pembina Coal mines have no means of crossing river if required to detrain at Entwistle."

Following this, the railway was wired to as follows:—

"Application of Village of Entwistle. Your message 26th. Board is advised that Pembina Mines shown as station in your timetables; that passenger business handled there as well as L. C. L. freight no Order issued for this station. Immediate answer requested."

In response to this, the following telegram was received from the railway:—

"Application village Entwistle. Your message date. Since Board issued order, twenty thousand four ninety-seven authorizing construction, maintenance,



5 GEORGE V., A. 1915

operation Pembina Coal spur, our operating officers considered they were authorized to handle all traffic offering to and from that spur. Shelter, erected as additional convenience as explained yesterday. If Board considers approval shelter necessary shall be glad submit application for temporary shelter in pursuance general order fifty-four."

The railway has gone ahead and violated the Railway Act by constructing a station at this point. The position of the railway as disclosed in the extracts from telegrams above set out, shows that the only defence the railway presented was an extremely transparent subterfuge.

Whether or not a station should be located at the point in question is a matter on which no opinion need be expressed at present, since no application in the matter has been or is before the Board. It is sufficient to say that the structure in question has been erected and placed in its present position with a flagrant disregard for the specific requirements of section 258 of the Railway Act.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

March 25, 1914.

APPLICATION UNDER SUBSECTION (c) OF SECTION 8 OF THE BOARD'S ORDER NUMBER 12225.  
(GENERAL ORDER NUMBER 65.)

Mr. Commissioner McLEAN:

Subsection (c) of section 8 of order No. 12225, now numbered as general order No. 65, sets out—

"No structure over four feet high shall hereafter be placed within six feet from the gauge side of the nearest rail without first obtaining the approval of the board."

There has developed a diversity of practice, and at times orders have issued on the applications of industrial companies which have desired a limited clearance as to loading platforms, doors, etc. While in the cases so dealt with on the application of such industrial companies the railway company may be a consenting party, this does not give the Board jurisdiction. The only concern the Board has as to the question of the clearance at the point in question is that it affects the operation of the railway. Whether the condition in respect of limited clearance arises adjacent to a track located on the railway's right of way or adjacent to a branch line built under the branch line sections, it is a matter connected with the operation of the railway. It is on this that the Board's jurisdiction depends. All applications under the subsection referred to should, therefore, in future be made by the railway concerned, not by the individual or industry affected.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott, and Commissioner Goodeve concurred.

March 25, 1914.

TWIN CITY TRANSFER CO. (EDMONTON) RE SOLICITING PASSENGERS AND BAGGAGE AT C.P.R. STATION.

The CHIEF COMMISSIONER:

This is an application made by the Twin City Transfer Company, of Edmonton, for an order directing the Canadian Pacific Railway Company to extend to the applicant company the same privileges as are given to the City Transfer Company at the company's station at Strathcona, Alta.

The application is contested by the Canadian Pacific Railway Company, which stated, at the hearing, that for the convenient transfer of passengers and their baggage from Strathcona (now South Edmonton) to points in Edmonton proper, at rates

## SESSIONAL PAPER No. 20c

which are reasonable and can be controlled by the railway company, a contract has been entered into with the City Transfer Company to carry passengers and baggage from the station to hotels at certain schedule prices; and that, under the said contract, no payment is made to the railway company, either in the way of tolls by passengers or compensation by the said City Transfer Company. The railway company further alleged that the contract had been entered into entirely in the interest of the travelling public, and that it does not place upon the passengers any obligation either to go themselves or to have their baggage carried by the City Transfer Company.

Evidence was also given by Mr. Potter of the City Transfer Company that the former charge of fifty cents per passenger had been reduced to twenty-five cents, as a result of the agreement; and Mr. Price, superintendent of the Canadian Pacific Railway Company, stated that some such arrangement had to be made either with Mr. Potter's company, or some other responsible concern, in order that the business of the railway company might be done with dispatch and due regard to the convenience of the travelling public; and that, if bus-men were allowed to solicit business on the platform generally, the company could not prevent excessive transfer charges.

It developed during the hearing, that Mr. McNeill, of the Twin City Transfer Company, had a similar agreement with the Grand Trunk Pacific Railway Company at Edmonton and made a like charge of twenty-five cents, and the record shows that the said Twin City Transfer Company carries baggage for some fifteen hotels and two theatres; but it was alleged that passengers discharged at the C.P.R. station were prevented from doing business with the Twin City Transfer employee standing on the platform, the railway policeman going so far as to say: "That man is not allowed to do business here. You cannot get on his wagon."

I find, on further consideration, that the Purcell case does not deal so broadly with the question as I thought at the hearing, the decision turning largely on special conditions at Saskatoon and not covering generally the right of the railways to make contracts of this character. The unreported judgment of the Supreme Court discussing the company's appeal, delivered by the Chief Justice, reads as follows:

"Reading this order as made with respect to the special circumstances which exist at Saskatoon, we dismiss this appeal.

"It is not intended by this disposition of the present appeal to cast any doubt upon the right of the company to take such steps as may be necessary to maintain order within the limits of the station grounds."

I find also that the Board has not relied on the Purcell case as one of general application, as contracts similar in character to the one considered in that case are still in force at other points, and have not been interfered with.

A consideration of the Act and authorities is therefore necessary.

Under section 284 of the Railway Act, companies must—

"(a) furnish at the places of starting . . . and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway; (b) furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic; (d) furnish and use all proper appliances, accommodation, and means necessary for such purposes."

Section 317 provides that—

"All companies shall according to their respective power, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding, and delivering of traffic upon and from their several railways,"—and (sub-section 3) "no company shall (a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever; (b) by any unreasonable delay or otherwise howsoever, make any difference in the

5 GEORGE V., A. 1915

treatment in the receiving, loading, forwarding, or delivery of the goods of a similar character in favour of or against any particular person or company; (c) subject any particular person or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage, in any respect whatsoever."

These sub-sections are particularly relied on by Mr. Biggar, who appeared for the complainant.

The word "traffic" where used in the Act means traffic of passengers as well as goods (section 2, sub-section 3).

The duties of the railway company under these sections, are, in my opinion, confined to matters relating to the receiving of traffic at the railway station, forwarding it over the railway, and delivering it at the destination station or to another railway company, as the case may be.

A railway company is under no obligation, legally or otherwise, to take passengers from their houses or hotels to its stations or vice versa; and, there being no duty—no traffic in the railway sense—it cannot properly be said that if such a company allows one transfer company certain privileges, it is guilty of unjust or illegal discrimination because it does not allow the same or similar privileges to all other companies engaged in the transfer business.

If there be discrimination, it lies in the selection of a certain agent for transfer purposes, instead of inviting all those now or from time to time engaged in that business to participate as much as possible in it at all the company's stations, an arrangement which would render supervision in the public interest practically impossible.

In some cases a transfer does form part of the railway company's transportation contract and would fall within section 317; for example, where, on a through ticket, including a transfer coupon, passengers are discharged at a station at one part of a city and transferred by a local transfer company, acting under contract, to another station from which the journey is resumed.

In such a case as the above, all passengers would be entitled to similar treatment. The company could not, by undue delay or otherwise, give an advantage to one particular person, to the exclusion or neglect of others, either by its own act or the act of its agent, the transfer company. To do so would be an undue preference or discrimination within the meaning of the *Railway Act*.

On the other hand, the railway company, has, if the complaint on this point is well founded, practised undue discrimination in another direction. Instead of supplying equal facilities to all the transfer companies desiring to carry on the business of taking passengers and baggage to and from a railway station, the railway company has, by its contract, excluded all the transfer companies but one. This may be spoken of as discrimination; but, in my view, it is not the discrimination prohibited by the *Railway Act*, which latter is that worked by the company as between passengers and the shippers and consignees of freight and does not concern in any way the men, agencies, or companies that may or may not be employed either by the railway company, a passenger, or a shipper for receiving, forwarding, or delivering traffic at, to, or from railway stations. The only exception I know of to this general rule, is made by section 317, subsection 6, which provides that if a company grants facilities for the carriage of goods by express to an express company, any other express company on demand shall be granted equal facilities on equal terms and conditions.

Then, if such an agreement is not prohibited by the Act, have railway companies the right to exclude cab or bus drivers from their station properties (subject to the qualifications hereafter made)?

Railway stations, in the same manner as the railway line itself, are of a public nature, subject to duties, obligations, and servitude to the public to the full extent necessary for the proper discharge of the company's statutory and common law obliga-



## SESSIONAL PAPER No. 20c

tions as a public carrier. While this is the case, railway stations are private property as between the company and those of the general public who have no occasion to use them for purposes of transportation. In other words, the rights of the company to deal with its property are the same as those of any other owners of real estate in so far as matters or uses unconnected with the operation of its road are concerned.

Companies may, therefore, rent space in their stations for news-stands, restaurants, and barber shops; and why should they not for transfer and cab offices, without having to supply space for all cab-drivers on like terms? As it occurs to me, the company owes no greater duties to cab-drivers than to barbers. It is under no direct obligation to either. Its duties as a railway company commence and end with those arising out of and incidental to the carriage of traffic.

The railway company, however, occupies a different position in so far as a passenger is concerned. It must furnish adequate and suitable accommodation for his arrival at and departure from the station. This entails a station platform or entrance with ready access to the street for carriages. The passenger has the right to choose his conveyance if he wants one. Unless all vehicles have, subject to the reasonable rules and regulations of the railway company, the right to go to the appropriate station platform, the full rights of the passenger in driving to or from the station are curtailed.

In the Purcell case, it was shown that the Plaintiff went to meet six ladies coming off a train; and that the station agent compelled him to stand his bus at a most inconvenient place for ladies to reach; that the passage where he was compelled to stand had been obstructed; and that the agent, upon complaint being made, stated that the ladies might reach the bus the best way they could. The late chief commissioner held this to be irregular and illegal.

In this case, the railway policeman prevented the plaintiff's representative from doing business, and told the passenger that he could not get on the plaintiff's wagon. This certainly was irregular and illegal. The passenger has a right to take whatever conveyance he desires, subject to the right of ingress and egress by other passengers, and to the proper observance by drivers of the reasonable rules of the railway company regulating traffic and in case of public convenience and safety. The question is one of the facilities that passengers are entitled to—a matter to be determined by the reasonably interpreted requirements of the traffic at the point under consideration.

The mere fact that the plaintiff here has a contract with the theatres for the transfer of baggage, as well as passengers, coupled with the company's refusal to allow him to carry on business, justifies the complaint. McNeill's customers must have the opportunity of availing themselves of his service, and the company must make the arrangements necessary for such purpose.

If any difficulty arise in carrying out the Board's order, precise directions will be given, after inspection by an officer of the Board.

Reference may be had to Purcell and the Grand Trunk Pacific Railway Company, 13 Canadian Railway Cases 194; Donovan and Pennsylvania Company, 199 United States Report 192; South Western Produce Distributors and Wabash Railroad Company, 20 Interstate Commerce, 458; and Crosby and Richmond Transfer Company, 23 Interstate Commerce, 72.

Commissioner McLean concurred.

March 25, 1913.

## RE COMPLAINT OF THE TWIN CITY TRANSFER OF EDMONTON AGAINST C.P.R.

Mr. Commissioner McLEAN:

Mr. McNeill, in his letter of December 16, 1913, on file, states "the real question is whether the C.P.R. have the right to allot forty feet of space for the exclusive right of the other transfer company." The issue having been so defined, there is no neces-

5 GEORGE V., A. 1915

sity to consider the relationships existing between the contending transfer companies, even if these companies were subject to the Board's jurisdiction. Mr. Potter states that he is paying \$15 a month for the special privileges he enjoys; presumably this is in part, if not in all, paid for the forty feet of space referred to. But this again takes us back to the question of rights of the company in respect of the allotment of space. As was pointed out in the judgment in the Twin City Transfer application, 15 C.R.C., 323, the obligations of the railway are to the passengers, not to the transfer company. Subject to the obligations so arising, the railway may make arrangements as to the proper policing of its station premises. It is within the reasoning of the judgment that it may rent space on its premises to transfer men on different terms for each man without coming within the inhibitions as to discrimination contained in the statute. Without going further into the judgment—and its reasoning is pertinent to the present application throughout—the obligation on the railway is “one of the facilities that passengers are entitled to—a matter to be determined by the reasonably interpreted requirements of the traffic at the point under consideration.”

It does not appear on what is before the Board that the existing arrangement as to allotment of space curtails the facilities properly available for passengers, and the Board would not, therefore, be justified in directing a revision of the existing arrangement.

It is pointed out by the Board's operating officer that hotel runners and busmen are allowed to crowd in and jostle passengers, such jostling and crowding being due to an attempt to obtain traffic for the vehicles they are interested in. The passenger should be protected from such annoyance. It is entirely within the powers of the railway to make such policing arrangements as to obviate this. Drawing the attention of the railway to the existing situation in this respect should be sufficient to bring about its correction.

The Chief Commissioner concurred.

February 3, 1914.

#### COMPLAINT OF W. H. MAHON RE VICTORIA BRIDGE, LIGHTS AND TOLLS, MONTREAL, QUE.

Mr. Commissioner McLEAN: Complaint was made in this matter by Mr. Mahon, that on account of the absence of provisions for lighting on the Victoria bridge, night travel for vehicular and pedestrian traffic along the roadways provided in connection with this bridge was unsafe.

This complaint was supported by a resolution endorsed by the municipalities of St. Lambert and Montreal South, which complained that in addition to the lighting being in an unsatisfactory condition, the road approaches at both ends of the bridge were in a very bad condition.

The matter was subsequently heard at Montreal and was referred to the electrical engineer of the board to investigate as to the question of lighting, and to the operating and engineering departments to look into as to what should be done to improve the situation in connection with the highway approaches.

The Board is advised by its engineering department that the approach to the bridge at the Point St. Charles end has been put in a very satisfactory shape, and that a similar rearrangement has been made at the St. Lambert approach, where, during last fall, an average of 9 to 12 inches of macadam was laid over the old gravel surface of the approach, thereby putting it in very good condition. A new railing has also been erected on the west side.

There remains the question of lighting. The investigation made by the Board's electrical engineer resulted in certain alternative propositions being set out in his report, which was submitted to the railway. The railway did not contest the figures of the Board's electrical engineer, but contended that on account of the light traffic

## SESSIONAL PAPER No. 20c

it was not justifiable to require the railway to incur the expense that any one of the suggested methods would necessitate. The matter has so stood.

While the item of volume of traffic is one factor to be considered in connection with the installation of a protective device, the Board does not regard this as conclusive. In the present instance, the railway has, in connection with its railway bridge, made provision for vehicular and pedestrian traffic, and this was taken cognizance of in connection with the assistance given to the bridge by the Dominion Railway Subsidy Act of 1900, which is chapter 8 of 63-64 Victoria. Certain tolls are charged for such vehicular and pedestrian traffic. It is pled by the railway that the amount of the revenue obtained from this traffic crossing the bridge at night is not sufficient to pay for lighting the bridge. This, it does not seem to me, is an adequate answer in so far as public safety is concerned.

As has been pointed out, the railway has taken no exception to the figures of cost presented by the Board's electrical engineer. Since, however, the question of the general cost of the work is one which is emphasized by the railway, there is no reason why it should not put in as economical a system of lighting as is compatible with efficiency. The situation as to the night traffic is a dangerous one, and adequate provision should be made for lighting. The railway should, therefore, within one month submit for the approval of the Board's electrical engineer a system of lighting which it is prepared to instal to take care of the traffic, and such work to be completed within such further time as will be indicated in the Board's order after the approval of the plan in question.

Chief Commissioner Drayton concurred.

February 10, 1914.

## RE LITTLE CREEK DRAIN UNDER G. T. R. TP. OF TILBURY.

## The CHIEF COMMISSIONER:

This is an application made by the municipal corporation of the township of Tilbury for an order under section 251 of the Railway Act, approving of the plans and specifications of proposed repairs to Little Creek drain as shown on the plans, profiles, and specifications submitted, and particularly that portion of the drain upon the lands of the Grand Trunk Railway Company and the approach to be constructed on the railway company's lands for the drain.

The engineer's report filed in the drainage proceedings, and submitted to the board, established that the Grand Trunk bridge, where it crosses the drain, is an old wooden pile structure with a large number of piles driven in the channel of the drain, that these piles catch and collect ice and other debris coming down the stream, as well as materially reducing the carrying capacity for water, a detriment to the proper working of the drain. The report also finds that it is necessary that a new bridge with at least a forty foot clear opening under the tracks of the Grand Trunk Railway should be constructed, and estimates the cost of the bridge at the sum of \$6,000. This sum is assessed by the report against the railway company to be borne and contributed by it in case it does not exercise its option of constructing the bridge within a reasonable time and without unnecessary delay.

This application is opposed by the railway company on the ground that the estimated cost of \$6,000 for the bridge is entirely too small and that it will cost a sum very greatly in excess of that amount, and also on the ground that before its plans are considered the Board should satisfy itself that the proposed works are not only proper but necessary for the accomplishment of the purpose intended, and that if the work is executed the safety of the public will not be jeopardized. The company urges that the Board should have one of its engineers look into the matter and determine, and pass upon the necessity and practicability of proposed scheme of drainage, and urges that



directions of the Board made in the past under the rulings of the late Chief Commissioner, Mr. Justice Mabee, are improper. The decision complained of confines the question to be passed upon by the Board to the character of the bridge or culvert which carries the railway track and decides that the Board has nothing to do with the matter of area to be drained, the legality of the proceedings, or other questions.

Under the Railway Act, section 251, the lands of railways with the exception that no drainage works shall be constructed or reconstructed upon, along, in, or across the railway or lands of the company until the character of such works or specifications, or plans, thereof, have been first submitted to and approved of by the Board, and that the proportion of the cost of the work is to be borne by the company as directed: are in exactly the same position as the lands of any other land owner in all provinces where by virtue of any Act proceedings may be taken by a municipality or land owner for drainage or drainage works. In Ontario such proceedings may be taken under the Municipal Drainage Act. The drainage scheme now in question is initiated and is to be constructed under its provisions. Under that Act protection is given land owners by right of appeal to courts of revision and drainage referees.

If effect is given to the contention now made by the Grand Trunk Railway Company in addition to the distinction noted between railway lands and those of other owners the Board would implement the Act by giving the railway companies a final appeal to the Railway Board against the whole drainage scheme on any grounds that the railway might choose to advance, and create a further distinction between railway and other lands not provided for or contemplated by the Act.

To my mind there is no room for any such contention, subsection 4, which is the section under which the Board acts in cases of this kind and which prevents any construction upon, along, in, or across the railway or the railway lands until the Board first approves of it, is confined entirely to that portion of the drainage works which is to be constructed on the railway property. The section is not drafted so as to in any way to interfere with the provincial legislation or jurisdiction except to the extent indicated for the obvious purposes that the Board will see that the works are sufficient and proper for railway operation, and for the safety of the travelling public. The direction of the late chief commissioner, in my view, is right and will in the future be followed.

July 29, 1913.

#### RE CULVERT ON GREAT NORTHERN RAILWAY, TYNEHEAD STATION, B.C.

##### The CHIEF COMMISSIONER:

This is an application made by the municipality of Surrey, B.C., for an order directing the Great Northern Railway Company to enlarge its culvert on the Clover Valley road, at Tynehead station, B.C.

The municipality's complaint, as developed at the hearing, showed that flooding has taken place on the line of the Daly road, at a point south of a railway spur which has been laid across the said road to a mill near the south side of the Hjorth road. It was stated that the water at times has been so deep that the corduroy on the Daly road has floated and the railway track has been covered.

The necessity for drainage being clear, Assistant Engineer Kerr was instructed to make an inspection, and a recommendation as to the best way to secure an adequate outlet for the water on the north side of the railway; and he has since reported that an open ditch should be constructed north of the railway from "A" to "B," as shown on the plan on file, point "A" being at the Hjorth road and point "B" about 2,000 feet therefrom, in a southeasterly direction, at a culvert under the said railway.

Therefore, an order should go directing the Great Northern Railway Company to construct, on the north side of its railway, at the place in question, a ditch of adequate width and depth, with the bottom of uniform grade, from "A" to "B," that

## SESSIONAL PAPER No. 20c

the water complained of may run in a southeasterly direction from Hjorth road to the culvert mentioned above.

The drainage of the land south of the track will have to be looked after by the municipality in connection with its road construction.

Commissioner Mills concurred.

Order issued accordingly.

November 20, 1913.

## RE FENCING ALONG C.P.R. AT SAVONA, B.C.

## The CHIEF COMMISSIONER:

The Board's attention has been called to a lack of fencing in the neighbourhood of Savona, B.C., along the line of the Canadian Pacific Railway.

It appears that, acting under the provisions of the amendment made to the Railway Act in 1911, an application was made by the railway company for an order of the Board excusing fencing at a large number of points along the line of railway in British Columbia.

It is beyond all question that at many points in British Columbia fencing would be merely a waste of money, particularly in the sections which are largely covered by the application, where the line is built along the Thompson and Fraser rivers on the one side, and there are mountains and bluffs on the other side.

At the point in question however, which was a point where fencing was excused for a distance of something over three miles between Savona and Pennys, the bluffs and the river—which were given as the reason why fencing was unnecessary—would not now seem to apply, as cattle, as a matter of fact, have got on the right of way and have been killed. If as a matter of fact there is any necessity for fencing, although the line runs through a very rough territory, fencing, of course, should be maintained, while on the other hand it is equally clear that if there is no necessity whatever for it, it is equally inadvisable to compel the railways to throw away the money.

The fact of the necessity of fencing having been called to the Board's attention, order No. 20893 was issued. This order required the company to erect and maintain fences and directed the work to be completed within three months, and also rescinded the order relieving the company from erecting and maintaining fences in so far as that portion of its railway between Savona and Pennys was concerned.

Application is now made by the Canadian Pacific Railway Company for an extension of time for the reason that the ground is frozen at the present time, and asking that an extension should be given by the Board until the 15th of June next. There being no necessity to fence, the former order should not have been made in so far as this particular part of the railway is concerned. The former order having been rescinded, the company's statutory obligation arises. This statutory obligation is not an obligation which should be made subject to relief by temporary extension under these circumstances, as an extension of the time within which the fences are to be erected might be construed as relieving the company from its statutory obligations during the extended period for fence construction. As the company's liability to fence is not under the Board's order, but is under the statute, in my view this should not be done. On the other hand, the engineer reports that the request, owing to frost, is reasonable, and that an extension should be granted.

Under these circumstances, it seems to me that the proper thing to be done is to issue an amending order, the effect of which would be to strike out the Board's direction that fences be erected and maintained on the railway between Savona and Pennys, and that the work should be completed within three months, and simply to cancel the former order relieving the railway company from erecting and maintaining fences along the portion of its line, in so far as that portion of its line between Savona and Pennys is concerned. The effect of this will be that the company cannot be said to be

5 GEORGE V., A. 1915

in default in connection with construction directed by the Board, but will leave the company liable for claims otherwise recoverable brought against the company in respect of cattle killed on this section of the track.

As the original order was made without notice to those who might possibly be interested in it, persons perhaps impossible of being ascertained at the time the application was made in 1911, and was issued on representations made by the company, this result cannot be said to be unjust. While all parties that may be interested cannot be notified of similar applications, I am of opinion that for the future the local municipal authority or, in case of unorganized districts, the proper department of the Provincial Government should be notified and if necessary heard before any order relieving the companies of the statutory duty to fence is made.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean and Goodeve concurred.

Order in accordance with the judgment, issued.

January 19, 1914.

Application of the Grand Trunk Pacific Railway Company, under Section 258, for approval of proposed station site and station at Fort Fraser, mile 572, Prince Rupert East, in the northwest quarter of section 22-13-15, coast district, B.C.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, held in Ottawa, May 7, 1913:

The Board is of opinion that the station should be on the east side of the river. We are of opinion that it is feasible and would be the proper place to have the station, and so much negotiation has gone on and so much encouragement has been given to the applicants, that we think the scheme should be carried out by the railway company.

We have not considered the details of the draft agreement which Mr. Chamberlain refused to confirm. We have a copy of that on file before us.

Before making an order embodying conditions, we would much prefer that the parties would come to an agreement and file that, and then we will let an order go approving of the station grounds subject to the conditions of the agreement.

Perhaps now that the Board takes the responsibility of deciding that the station is to be on the east side of the river, Mr. Chamberlain can make an agreement with the applicants.

We will wait for three weeks for an agreement to be put in, and if the Grand Trunk does not agree, then we will have to make an order with such conditions as we see fit.

Mr. BIGGAR: Mr. Chamberlain—

The ASSISTANT CHIEF COMMISSIONER: I think Mr. Heaman is a better engineer than Mr. Chamberlain.

Mr. BIGGAR: Some information has been given to the Board which we were entirely unaware of, and I think if Mr. Chamberlain knew of it at the time he would have said "Well, you can have the agreement."

The ASSISTANT CHIEF COMMISSIONER: Let us have an agreement within three weeks, and we will get out an order embodying that agreement.

Order issued, subject to terms of agreement entered into between The Dominion Stock and Bond Corporation, Limited, and the applicant company, dated July 4, 1913, approving of the proposed station.

#### GRAND TRUNK PACIFIC RAILWAY COMPANY'S STATION, FORT GEORGE.

ASSISTANT CHIEF COMMISSIONER: On the 5th March, 1912, the Board heard an application of the Natural Resources Security Company—the owners of the townsite of Fort George—for the location of a station on the Grand Trunk Pacific at or near the



## SESSIONAL PAPER No. 20c

Fort George townsite. No final decision as to the location of a station was reached by the board at the time, and the matter was, as far as the Board was concerned, permitted to remain in abeyance.

In an application, dated 24th January last, the Grand Trunk Pacific Railway Company applied to the Board for the approval of its station site and station at Prince George, at M. 466-3, Prince Rupert East. After the usual investigation by the operating department of the Board the approval of the location was recommended and order No. 18902, dated 29th March, 1913, was issued by the Board approving of that station site.

At the time that order was made, the Board was not aware that the Prince George Station site, for which the railway company had applied for approval, in any way conflicted with the Fort George station which the Natural Resources Security Company had applied for more than a year ago; and, upon it being brought to the attention of the Board that the Prince George site, approved of by the order above mentioned, was detrimental to the interests of Fort George, this matter was set down to give all parties an opportunity of being heard.

At the sittings of the Board on the 6th instant, the railway company was heard in justification of its Prince George site, and parties interested in Fort George and South Fort George were also heard in favour of or against a station which would better accommodate those interested in Fort George, than the station suggested by the railway company.

A number of buildings have been erected and considerable population now exists at both Fort George and South Fort George. The former is on the south bank of the Nechace river, just west of the Indian reserve now owned by the Grand Trunk Pacific upon which they desire to erect their Prince George station; and South Fort George is on the west bank of the Fraser river some distance south of the railway.

It seems to me in deciding on a location of a station, there are three interests to be considered. First, those of Fort George; second, those of South Fort George; and, third, those of the railway company. When the matter was up before the Board, in March, 1912, it was suggested by our chief engineer that the station might be located at a point on the railway three thousand feet east of the eastern boundary of the Fort George townsite. This is at a point on the railway known as station 950. At this point, there is a grade of two-tenths of one per cent rising westerly. This grade is maintained for three thousand feet until it reaches Fort George townsite, where it is increased to four-tenths of one per cent. Our engineer assures us that a two-tenths of one per cent grade is not objectionable for the location of a passenger station. A station in the townsite of Fort George would, in my opinion, be objectionable, not only on account of the grade; but, because of the fact that the railway will run along the side of the river bank some distance below the grade of the streets in the townsite and some distance above the level of the river. The point suggested by the railway company for its Prince George site is about seven thousand feet east of Fort George, at a point slightly lower than the point recommended by Mr. Mountain; and, it is contended that it would be liable to be flooded by the high water of the two rivers in the spring of the year. In my opinion, the railway company's site is not desirable, because it is too far away from Fort George.

I think we should select the site suggested by our chief engineer, which is three thousand feet east of the Fort George townsite as the best place for the station. That point is about equi-distant from Fort George and South Fort George, and the surrounding territory will permit of suitable highways being constructed to both these points. It is within the Indian reserve owned by the Grand Trunk Pacific, and will therefore serve the Grand Trunk Pacific townsite which is laid out on that reserve.

Therefore, bearing all interests in mind, I think the site I have decided upon should be adopted by the board. Order No. 18902 of the 20th March last should be

5 GEORGE V., A. 1915

rescinded, and the railway company should be requested to file a plan showing a station at a point three thousand feet east of the eastern boundary of Fort George township.

The railway company point out that there is a bank south of the point I suggest for the station which runs parallel to the railway and is from 600 to 800 feet south of it. This has been carefully considered by us with our chief engineer, and we are satisfied, notwithstanding this bank, that the site I suggest is the best one to be adopted.

Messrs. Commissioners Mills and Goodeve concurred.

Commissioner McLean dissented.

May 10, 1913.

Complaint of certain freeholders of the townships of March and Torbolton, against the station site selected by the C.N.O. Railway.

Oral Judgment delivered by Assistant Chief Commissioner Scott at the hearing, September 16, 1913:

In this matter the application from the railway company to the board, for approval of the station ground was dated the 4th of July, 1912, and was received by the board on the 1st of August. There is evidence it was served on the municipal clerk on the 17th of July. The application went to our operating officer, who recommended the approval of the station site.

We wrote the township clerk on the 7th of August saying we had not heard from him, although notice of the application had been served on him, and we would like to know what the municipality had to say. We did not get any reply, and on the 27th of August, we issued order No. 17342 approving the location applied for by the railway company. A few days after we got a letter from Mr. Richardson, the municipal clerk, saying the municipality approved of the location of the station. The letter was dated September 9th.

Nothing further was heard by the board in this matter until August last. Then, we had a letter from the applicants asking for the reconsideration of the order. We heard from Mr. Greene objecting to such reconsideration, and the matter was set down to be heard.

The railway company, in the meantime, acting on our order, went on and did considerable work, bought the land for station grounds and graded the siding. The railway company point out that the site at mileage 22 is the best from their point of view on the question of water and so forth.

The majority of us feel, Dr. Mills dissenting, that the railway company should not now be asked to change. The order as issued will stand. As between the merits of one location and the other, to my mind there is not much to be said; one is pretty nearly as good as the other. Perhaps lot 27 might have been a little bit better from the point of view of the residents, but the matter was settled a year ago in good faith, and we cannot allow the township to change it.

Mr. YOUNGHUSBAND: If they bought the land before you approved would that make any difference?

The ASSISTANT CHIEF COMMISSIONER: It would not have made any difference.

No order will be necessary. The order already issued will stand.

COMPLAINT OF CERTAIN FREEHOLDERS OF THE TOWNSHIPS OF MARCH AND TORBOLTON  
AGAINST THE STATION SITE SELECTED BY THE CANADIAN NORTHERN ONTARIO  
RAILWAY COMPANY.

Mr. Commissioner MILLS: On the line of the Canadian Northern Ontario Railway from Toronto to Ottawa, two stations in the county of Carleton were fixed upon

## SESSIONAL PAPER No. 20c

—Torbolton and South March—between 10 and 11 miles apart, the former to accommodate the village of Woodlawn and the latter the village of South March. Between these two villages is the village of Dunrobin, about  $4\frac{1}{2}$  miles by the railroad from Torbolton and about  $6\frac{1}{2}$  miles from South March. The company finally decided to put a station between Torbolton and South March, and those knowing the location and the facts, naturally expected that the additional station would be as near the village of Dunrobin, as possible, say at the town line, about one-third of a mile from the village; but under some influence—alleged to be that of a certain member of the municipal council—the company selected a site about  $4\frac{1}{2}$  miles from South March, at a point where the said councillor or councillors and some other interested parties hope to have a new village and a summer resort.

The board, having been duly notified by the clerk that the municipal council was in favour of the site about two miles east of the village of Dunrobin and  $4\frac{1}{2}$  miles from South March, issued an order approving of the said site; but subsequently certain members of the said council declared in writing, and orally at the hearing of the case, that the council in question never approved of the site, as represented to the board;

Having read the statements, minutes, and affidavits pro and con in the dispute, I express no opinion as to what the said council actually did; but I have long felt that the sidetracking of an old, well-established village by a railway company should not be permitted, unless under exceptional circumstances, and for the best of reasons.

Dunrobin is one of the oldest villages in the county. It contains "churches, a hall, a blacksmith shop, woodworkers, agents, a cheese factory, a general store and post office," etc.

It is alleged that eighty-four or eighty-five families call regularly for their mail at Dunrobin post office; and, after a careful perusal of the correspondence, an examination of the petitions sent to the board, and due consideration of the evidence given at the hearing, I think the only substantial reason for refusing to change the site to a point beside the town line, about one-third of a mile from Dunrobin, is the fact that the company, relying on the board's approval of the site on lot 22, at the concession line,  $4\frac{1}{2}$  miles from South March, has purchased land for a yard, and done some grading for one or two sidings at that point—and this is met by the applicants offering, privately, since the hearing, to give in exchange the same acreage of equally good land, with an adequate supply of water and other facilities, for a station on lot 27, at the town line, one-third of a mile from Dunrobin; and to do free of charge on lot 27 as much grading for sidings as the company has done on the said lot 22.

In view of these facts and circumstances, I cannot concur in the judgment delivered at the hearing of the case on the 16th of September, 1913; and I am strongly in favour of a rehearing or anything else which may possibly secure what I consider fair treatment of the business men, few or many, and others who live in the village of Dunrobin—a population of 100 in 1911.

September 30, 1913.

RE CANADIAN NORTHERN RAILWAY COMPANY'S STATION, M. 22, COUNTY OF CARLETON.

## ASSISTANT CHIEF COMMISSIONER:

At the sittings of the board at Ottawa, on the 16th of September last, we heard an application on behalf of certain residents of the townships of March and Torbolton, in the county of Carleton, for the rescission of order No. 17342 of the 17th August, 1912, which approved of the location of a station at mileage 22 in the township of March on the C.N.R. line; and, for an order directing the railway company to locate a station on the town line between the townships of March and Torbolton, at the village of Dunrobin.



5 GEORGE V., A. 1915

After hearing all concerned at considerable length, the board came to the conclusion (Dr. Mills dissenting) that the order approving of the station site at mileage 22 as applied for by the railway company should not be interfered with. The reasons for coming to that conclusion were expressed by me in an oral judgment delivered at the hearing.

We have now received an application for a rehearing of the application, which we disposed of at our sittings on the 16th of September; and, after considering the facts submitted to us, the board has come to the conclusion (Dr. Mills dissenting) that this matter should not again be opened up.

At the hearing there was a good deal of dispute between the parties asking for the location of a station at Dunrobin and those supporting the Order of August 1912, as to whether the municipal council of the township of March had or had not approved of the location of a station at mileage 22. Since the hearing, both parties have supplied the board with additional evidence on the question; one endeavouring to show that it was considered by the municipal council of the township; and the other that it was not so considered. I thought that I made it clear in expressing the conclusions of the board at the hearing in September last, that that was not a material point in our coming to the conclusion we did; but, since the parties have laid stress upon it, I think it well to point out that the board in issuing the order it did in August, 1912, was in no way influenced by any action, or lack of action, on the part of the municipal council.

The application sent to us by the Canadian Northern Railway Company for approval of its station grounds at mileage 22, was dealt with by the board as we deal with hundreds of similar applications. We waited even longer than the usual time allowed by the rules of the board for a reply from the municipal council to the copy of the application which had been served upon it by the railway company; and, as no reply was received, the plan was, on the recommendation of the chief operating officer of the board, approved, on the 27th August, 1912, by the above mentioned order No. 17342. Copy of that order was sent by our secretary to the clerk of the township on September 6, 1912; and, some days afterwards—on September 12, 1912, we received a communication from the township clerk to say that the municipal clerk approved of the station grounds. As has been pointed out, it is contended by those asking for a rehearing of this matter, that the municipal clerk was not authorized to write that letter. As the letter was not received by us until some days after our order was sent out, it is quite clear that we were in no way influenced by the action or lack of action of the municipal council.

A certified copy of our order, approving of a station at mileage 22 having been sent out to the railway company as well as the municipality, the company acting on that authority proceeded to lay out station grounds at that point. It has acquired the land, and has done some, if not all, the grading necessary to put in a siding, and it has also arranged for suitable water supply should it be required for operating purposes at that point.

The distance between the station in question, at mileage 22, and the next station on each side of it, has been arranged by the railway company to suit its own convenience. Our order was based on the position that the distance between this and the next station was not unreasonable so far as the prospective users of this station was concerned. In Western Canada, stations seven miles apart are not considered to be unreasonably located in country districts. Here, we have a station four and three quarter miles from one station, and about six and one-half miles from another. The railway company was heard at the sitting in September and urged that the arrangement of its stations be not interfered with.

Having these matters before it, the board came to the conclusion at the September sittings that the order of August, 1912, should not be interfered with; and, after con-

## SESSIONAL PAPER No. 20c

sidering what has been submitted by the applicants for a rehearing, we are still of the same opinion.—Dr. Mills dissenting.

The parties should, therefore, be advised that their request for a rehearing is refused.

Messrs. Commissioners McLean and Goodeve concurred.

October 7, 1913.

## G.T.R. STATION AT PRAIRIE SIDING, ONT.

## The CHIEF COMMISSIONER:

This is an application for an order directing the Grand Trunk Railway Company to build a proper station and platform for passengers, a freight shed, and a freight and express platform, and also directing the company to appoint an agent at Prairie siding, Ont.

It appears that the earnings at this station for the year ending July 31, 1913, amounted to \$4,325.19 on the outward business and \$1,421.85 on inward business, or \$5,747.05 in all. Passenger fares collected amounted to \$819.70, so that the total freight and passenger earnings at the station amount to \$6,566.75.

From the inspector's report, it would appear that there is a small shelter now erected, which is not properly looked after and is at present in a dirty and dilapidated condition, while the company has supplied no freight shed or platform of any character.

Under the standard requirements, the earnings at this point do not warrant the appointment of an agent. The company, however, has been doing a fair amount of freight business, and should, I think, build a small freight shed with an appropriate platform. The passenger earnings are such that the board would not be justified in ordering the construction of a passenger station. The present shelter, however, should be put in a proper state of repair and kept clean. The company should also pay some attention to keeping the place in a proper condition in future, and must make the necessary arrangement for caretaking.

The company to file a plan of the proposed freight shed and platform within thirty days.

Assistant Chief Commissioner Scott concurred.

December 15, 1913.

## RE BULSTRODE STATION, QUE.

The CHIEF COMMISSIONER: This matter seems to have been very unduly delayed, and there has been much unnecessary difficulty in obtaining information as to existing traffic conditions.

I notice that after the matter has been pending for a long time, the report of the chief operating officer requiring, within thirty days, a statement showing separately the railway's earnings on freight received and forwarded, as well as the earnings on passenger traffic, was adopted by the board, and a letter written to the company on November 14 requiring this information. The only information given shows in bulk the freight earnings of the station for the year. The question is entirely considered by the railway from the freight standpoint, although it is said by the company that there are no tickets sold at that point, and that it is impossible to show passenger earnings as conductors' collections are not available. There is a passenger business done to and from Bulstrode from which the company receives more or less money. It may be the company's misfortune that it has not got the figures on hand; that certainly is not the fault of the applicants. The fact remains that it is impossible to drive from the highway towards the station by reason of an open ditch which is maintained by the

5 GEORGE V., A. 1915

company. Irrespective of all traffic it cannot be said that such a condition supplies reasonable and proper facilities either for receiving or for delivering traffic at this station.

There does not seem to be much doubt that Mr. Bond at one time recognized the obvious position and consented to move the station. This, of course, does not bind the company, nor does it change the rights of the parties one way or the other. It is, however, probably the only conclusion that anyone taking the trouble to go to Bulstrode could come to.

The question is not one of receipts; so, in my view, the company should be given the option of placing the station on the site already suggested as shown on the blue print referred to in Mr. Nixon's report and forwarded to the company under date of November 18th, 1913; or at once constructing an adequate culvert to provide for the drainage now afforded by the ditch across what would be the proper highway approach, —and thus be made to furnish the public with proper access to the station.

The company will make its election within seven days. In the absence of such election, an Order will go directing the company to locate the station on the site shown on the blue print, which is of date January 6, 1913, and certified to by Mr. Bond of the company's engineering staff.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean and Goodeve concurred.

December, 20, 1913.

#### REMOVAL OF AGENTS FROM AGENCY STATIONS.

##### ASSISTANT CHIEF COMMISSIONER:

For some weeks past the board has received many complaints from places in the western provinces where permanent agents had been established by railway companies, that the agent was being removed and the station turned into a flag station. So numerous were these complaints, that the board thought it proper to issue general order 119, requiring railway companies who intend to remove a permanent agent from a station and make the station a flag station, to first notify the local municipality, or Board of Trade, of its intention to apply to the board; and, then send in to the board an application for permission to close the station, with a statement of the grounds upon which such action was to be taken.

When a railway company opens a station and appoints a permanent agent there business in that locality is built up on the assumption that the station will continue to be a permanent station. The board thinks it proper that it should be consulted, and that those representing the public should be heard before such a station is closed by a railway company. The services given by a railway company at a station where there is a regular agent, and at a flag station, are very different; and, it may amount to a great hardship to a community suddenly to have its station closed.

The board has no intention of interfering with a railway company in practicing economy by closing a regular station, if the facts of the particular case warrant such action; but, as the closing of a station has such a material effect upon the interests of the public who have been using that station, the board should have an opportunity of determining in each case upon its own merits whether the railway company would be justified in closing a regular station or not.

At the hearing, the point of view of the railway companies was clearly set forth. We realize the necessity for prompt action in all cases where it is reasonable that a company should be permitted to close a regular station. No general rules can be laid down. Each case will have to be dealt with on its merits. The intention of the board in issuing general order 119 was, that it should apply only to cases where the company desired to close a regular agency station and make that station a flag station. It was



## SESSIONAL PAPER No. 20c

not intended to apply to cases where a special agent had been temporarily employed to look after some particular class of business which was of a temporary nature.

No order is necessary in this case.

Messrs. Commissioners McLean and Goodeve concurred.

February 19, 1914.

APPLICATION, LACHINE, JACQUES CARTIER AND MAISONNEUVE RY. CO. TO EXPROPRIATE LANDS OF MONTREAL GAS CO., FOR DIVERSION OF HARBOUR STREET, MONTREAL.

**The CHIEF COMMISSIONER:**

This is an application made by the Lachine, Jacques Cartier and Maisonneuve Railway Company, under section 178 of the Railway Act, for authority to expropriate certain lands from the Montreal Gas Company, as lands required for the diversion of Harbour street in the city of Montreal; and the application is opposed on behalf of the gas company.

The location of the applicant company's line of railway was approved by the board's order No. 15776, dated January 12, 1912.

Subsequent application was made by the company for permission to construct its line of railway across a number of highways including Harbour street; the application was heard at a sitting of the board held in Montreal on February 22, 1912; and order No. 16181, dated March 28, 1912, was subsequently issued. By this order the applicant company is empowered to divert Harbour street adjoining Ontario street, between Elm and Harbour streets. The diversion is required by the municipality; and, at the hearing of the present application in Montreal, on July 9, 1913, the municipality insisted on retaining the said Harbour street as diverted.

On the present application, the matter really is not open for the board's untrammelled consideration, as in the case of an original application. The above orders have been acted upon, moneys have been expended thereunder, and no application has been made to rescind either of them.

It should further be noted that Mr. Montgomery, who appears for the Montreal Gas Company on this application, appeared before the board at the sitting in Montreal on February 22, 1912, when the diversion was ordered. The record shows that Mr. Montgomery on that occasion appeared for the Montreal Light, Heat and Power Company, which company controls and operates the properties of the Montreal Gas company, and sets out in its annual statement certain facts and figures regarding the operation of the gas plant.

No question was raised by Mr. Montgomery at the sitting, except that, in connection with Harbour street, he brought up the question of gas pipes, stating that the gas company's works were located on Harbour street, and that the entire city of Montreal was supplied from those works. His anxiety, then, seemed to be confined to the question as to how the gas mains and pipes of the company would be provided for.

Be this as it may, the fact remains that the gas company was represented at the time the original order was made, and no appeal has ever been taken from the order which renders necessary the diversion of the said street and the taking of property for that purpose.

The applicant company shows that the lands it now desires to expropriate from the gas company are absolutely necessary for the diversion of Harbour street as ordered, and that, for the purpose, there is no other land suitable that can be acquired at such place upon reasonable terms and with less injury to private rights.

I find, as a fact, that the company has established this, and that its evidence has not been contraverted by any statement made or evidence given by the gas company.

The gas company rests its case really on the fact that it is a public utility corporation, and that its lands are already in use for public utility purposes—the com-

pany's engineer stating that the property in question is used for the storage of material required for the purification of the gas; that the company proposes to extend the purifying house on that side, *i.e.*, on the lands proposed to be used for the diversion of Harbour street; that the company is increasing its coal gas production by about 30 per cent; and that, in order to provide for such increase, it is necessary to take care of the purification of gas in the proposed extension. The engineer then admits that the land is required for the diversion of Harbour street.

Under the circumstances, Mr. Montgomery's argument on behalf of the gas company goes, in the first instance, to the question of the right of the board to authorize the expropriation of lands already dedicated to a public purpose. There is no doubt that many authorities show that a clear distinction exists between the right to expropriate property already devoted to public purposes and that put to a private use.

The question, however, of the right to expropriate, under the Railway Act, lands already put to a public purpose under a provincial statute, was considered by the late Chief Commissioner, Mr. Justice Mabee, in the case of Toronto and the Grand Trunk Railway Company. In that particular case, at the time the application for expropriation was made, the municipality had passed a by-law expropriating for the purpose of its power line a strip of land adjoining the railway. The expropriation of this strip was allowed after a contested hearing at which objection to the board's right to order expropriation was made on the same ground as is taken here. I propose to follow this authority and to hold that, as a matter of law, the board has the right to authorize the taking of the lands of the gas company.

Without discussion of the matter at greater length, it is obvious that, owing to the peculiar character of railway undertakings, the work of railway construction might be delayed and, in some instances, rendered well nigh impossible, if effect were given to the gas company's contention and the scope of Dominion legislation thus limited.

The gas company objects, also, on the ground of irreparable damage and balance of convenience—or perhaps of necessity.

Further, the gas company offers to exchange the property sought to be taken for other property of a similar area adjacent to its works, and which it suggests the railway company should be directed to acquire. I asked at the hearing how this adjacent property could possibly be expropriated by the railway company. Mr. Montgomery stated that he understood the owners were willing to sell, and that it was merely a question of price. It appears that it was in the interest of everybody that this arrangement, if possible, should be carried through; and the matter was allowed to stand, to see if an adjustment could not be made. The land has not been purchased—the applicant company alleging that the prices asked are prohibitive, and that the Montreal gas company itself had previously desired to purchase the property but had abandoned it on account of the excessive price asked.

It is hardly necessary to say that, as a matter of law, a railway company cannot expropriate property for the purposes of a gas company.

The applicant company has complied with the requirements of the statute. The land is required for a street diversion which the city insists on and is entitled to. In my view, therefore, an order for expropriation should go as applied for.

While the board has nothing to do with the question as to when the property expropriated may be taken possession of by the railway company, and while it does not appear that the property to be expropriated is to-day put to any considerable use in the manufacture of gas, I am of the opinion that while the arbitration should proceed at once, the railway company should not make application for possession until the gas company has had a reasonable opportunity to make such arrangements as may be necessary to ensure a proper supply of gas for its customers.

Commissioner McLean concurred.

September 25, 1913.

## SESSIONAL PAPER No. 20c

APPLICATION OF THE ONTARIO AND QUEBEC RAILWAY COMPANY TO EXPROPRIATE LANDS OF THE TORONTO AND NIAGARA POWER COMPANY, NEAR ISLINGTON.

Assistant CHIEF COMMISSIONER: This matter came before the board at the Ottawa sittings on the 4th November last. The applicant, which is really the Canadian Pacific Railway Company, applies to take a strip of  $8\frac{1}{2}$  feet of the northern boundary of the Toronto and Niagara Power Company which adjoins the Canadian Pacific Railway Company's right of way on the south. The object of the application is to provide room for the southern dump for a passing track which the railway company desires to establish just west of its Islington station. The traffic on the railway has materially increased, and this passing track is necessary for the satisfactory movement of trains on the railway. The company's plan which is submitted with its application shows that the track itself will be upon the company's right of way; but that the embankment holding up the track on the south will run over on to the property of the power company.

The power company has erected a number of towers on its own property; the arms of which towers do not extend to the present northerly limit of the power company's right of way.

We are advised by our electrical engineer that if the application is granted and the proposed passing track is constructed that the smoke from locomotives on the proposed track would be an element of danger to the power company's wires. Therefore, if the railway company is to have this extra land, and it appears necessary that it should acquire it, unless it wants to go to the expense of building a retaining wall along the southern boundary of its right of way (and, in such event it would not be necessary for them to ask the board to consider the present application) it should be given the right to take the land only on condition that the poles of the power company affected by the extra width now applied for, should be moved southerly so that the wires on such poles would be a safe distance away from the new track which the railway company desires to construct.

The moving of these poles would not be a very serious or expensive matter for the railway company to undertake; but, the power company contend that in addition to the line of poles in question and another line of poles on the south side of its right of way, it desires to put a third pole line upon the right of way, and therefore it requires the full width of the present right of way for this purpose. Our engineer assures us that if a third pole line is to be erected on the power company's right of way, that it should be given a strip of property south of its right of way of the same length and width as the piece of property on the north of its right of way which the C.P.R. now desire to take.

The Canadian Northern Ontario Railway Company has a location for a railway approved by the board parallel to and directly south of the power company's right of way, and if additional land south of the power company's right of way is to be acquired by the Canadian Pacific to give the power company in substitution for the land the C.P.R. desire to take from the power company, it will be necessary for the C.P.R. to acquire the strip south of the power company's right of way from the Canadian Northern Ontario Railway Company.

This matter has been taken up with the Canadian Northern Ontario Railway Company and that company objects to a portion of its approved location being taken for the power company. However, our chief engineer, Mr. Mountain, reports that the Canadian Northern Ontario Railway Company's line has not yet been constructed at the point in question, he sees no objection to a portion of the right of way being taken for the purpose of the power company, provided, additional land is acquired for the Canadian Northern south of its right of way.

I therefore think an order should go granting the Canadian Pacific Railway Company's application, upon condition that it, at its own expense, move the power company's poles to such location as the electrical engineer of the board shall determine;



and acquires for the power company a piece of property south of the power company's present right of way, of the same width and length as the property the C.P.R. now applies for.

If the Canadian Pacific Railway Company and the Canadian Northern Ontario Railway Company cannot arrange this matter without the intervention of the board, a subsequent application can be made.

Messrs. Commissioners McLean and Goodeve concurred.

Further submissions were filed by the Canadian Northern Ontario Railway Company, alleging that if a portion of its approved location were taken for the power company, this would place a kink in its main line, and that if the judgment was carried out it would mean that the company would be prevented from having passing sidings similar to what the applicant company is now asking for, if the extra land were taken.

After further considering the matter, the applicant company decided to put the track on its own ground and support it by a retaining wall, and the application was therefore withdrawn.

January 22, 1914.

#### CANADIAN NORTHERN CUT-OFF, WINNIPEG, MAN.

##### The CHIEF COMMISSIONER:

From advice received subsequent to the hearing, I was in hopes that some of the matter involved in this application could have been adjusted between the parties, particularly a rearrangement of highway and tracks on Pembina highway so as to provide for the construction of a proper and commodious subway under the railway tracks, a work which would require not only a rearrangement of the tracks, but some diversion in the highway itself. Unfortunately, however, from the latest advices received from Mr. Hunt, no arrangement of any kind has been come to, and the importance of the cut-off to traffic conditions is too great to be allowed to stand any longer. As, however, I understand the municipalities have taken the matter up with the railway companies, and doubtless would like to adjust it in a manner that would suit conditions to their own satisfaction, I think that the work west of Pembina highway might stand until the board's next sitting in Winnipeg, when the parties may again speak to the matter if they desire, and if no agreement is come to, an order will be made. The rearrangement at Pembina highway and extended railway facilities at that point are matters concerned more with permanent adjustment than with the necessities of this year's crop, and were really projected into the case at the rehearing. The original Canadian Northern Railway application merely called for an approval of the plan curving southeasterly along the right of way owned by the Winnipeg Electric Railway Company.

An order will go allowing the location as originally applied for on the terms mentioned at the hearing, which shortly are:

(1) A subway to be constructed by the company on the line of Pembina street; if the city desires to open the highway and does not at the present time elect that the railway company shall build a foot-subway, the subway to be of the full street width of 66 feet, built according to the plans and specifications to be approved by an engineer of the board.

(2) The company will also install and operate a half-interlocking plant at the crossing at Pembina street of the tracks of the Winnipeg Electric Railway Company, plans of the interlocker to be approved of by an engineer of the board.

(3) Gates to be erected and maintained by the Company at the crossing of Jubilee avenue. Representations have been made as to danger in the future at this point; the traffic at present is light, and does not require grade separation. It should be noted, however, by the parties that, should grade separation become necessary, the railway company, under the Act itself, has to be at the whole expense.

## SESSIONAL PAPER No. 20c

(4) As a condition of the order, the approval of any spur track into River park should be not only subject to the usual terms of the Railway Act, but also to sanction by a by-law of the municipality approving of its construction.

(5) A further condition to be imposed is that the Company makes compensation to the owners of the houses and buildings lying between the right of way and Jubilee avenue.

It is unnecessary to add anything to what was formerly said on the question of general damages. The owners of the houses now built, however, are in a position of special hardship. The houses are built for summer houses; they will immediately abut on the railway, and can no longer be used for such purposes. It may well be that with the industrial development and great growth of Winnipeg, the real estate on Jubilee avenue, as real estate, may become very valuable as a result of the company's operations; but these buildings as constructed can be put to no other use. They are destroyed. The approval now given can afford but a partial solution of the ultimate disposition of the case. The cut-off must be built sooner or later across Pembina highway, and the Grand Trunk Pacific allowed to make connection with the cut-off line.

The plan submitted by the Winnipeg North-Eastern Railway Company, dated December 31, 1912, seems to show a reasonable solution in rearrangement of tracks, diversion of highway, and subway facilities at Pembina highway. The parties will understand that the rearrangement must be made at a point somewhere approximating the point shown on the plan, as no other cut-off will be permitted in the neighbourhood, and that the Grand Trunk Pacific must use the cut-off now authorized.

The matter of electrification of terminals spoken to at the hearing has as yet not been sufficiently advanced to make any direction one way or the other. The matter of electrifying the cut-off will have to be dealt with when more detailed information can be obtained, and in conjunction with the rest of the Winnipeg terminals.

The approval now granted is on the lines of the original plan merely to the east side of Pembina street. The board has no request before it for anything more, as at the rehearing a plan was produced showing that the Winnipeg and North-eastern Railway Company's right of way had been located to that point, and it was represented that the Canadian Northern Railway would use this right of way. As a matter of fact, the construction west of this point is also asked by the Winnipeg and North-eastern Railway Company instead of by the Canadian Northern. This board has no jurisdiction over the former railway, and has no right to approve its plans. The order will, therefore, go permitting construction by the Canadian Northern.

Since the hearing, owing apparently to the fact that the Winnipeg and North-eastern has taken no actual steps in securing its right of way, a certain part of the plan has been set aside by His Honour Judge Robson, Commissioner under the Public Utilities Act of the province of Manitoba. I do not think this board should at present interfere with the right of way previously approved by the local authority, and the plan approved is, therefore, merely carried to the east side of Pembina street, which is all—as a matter of fact—the company is asking.

It must, however, be clearly understood that the authority to construct, which is now granted, is for the purpose of the cut-off. The work to the east should be proceeded with either by the Canadian Northern or the Winnipeg and North-eastern Railway Company. The abandonment of this work might mean that with municipal consents subsequently obtained, the present work of construction would merely mean the creation of another railway yard. The authority to construct now given, therefore, is subject to the condition that the cut-off, as a whole, is constructed. The order will contain a provision that, unless the cut-off as a whole, as shown on the plan of the portion now approved and the approved plan of the Winnipeg and North-

5 GEORGE V., A. 1915

eastern Railway Company, is constructed by the 1st of September next, the sanction and approval now given will be cancelled.

Commissioner McLEAN concurred.

April 26, 1913.

RE C.P.R. SPURS—CITY OF WINDSOR, ONT.

APPLICATION of the Canadian Pacific Railway Company, as lessees of the Ontario and Quebec Railway Company, to construct a spur and four sub-spurs from a point on its right of way on the southerly side of London street between Caron avenue and Salter street, in a northerly direction to the southerly boundary of Sandwich street, in the city of Windsor, Ontario.

Mr. COMMISSIONER GOODEVE: The report of the board's Inspector Harris seems fully to bear out the evidence given before the board at the hearing at Windsor on the 3th February last in regard to the very heavy traffic passing over London street at this point. There has also been placed on file a letter from Robert Timms, dated March 5th, pointing out that in the near future a double line of street railway will be necessary on this street, and crossing at the point in question.

In view also of the evidence of the Windsor Board of Trade, the mayor and some members of the council, and other prominent citizens who appeared before the board, and made it clearly evident that the citizens almost universally are opposed to granting this application, and after a visit, accompanied by representatives of the railway and of the city, to view a situation which it was pointed out was already owned by the railway company, and would give ample facilities for yards and freight shed, and all other necessary accommodation, without the dangerous crossing, or the destroying of the entrances by means of leading streets to the centre of the city, I am of the opinion, notwithstanding the convenience both to the railway company and the business men generally the more central location applied for by the railway would be, that their application should not be granted.

CHIEF COMMISSIONER DRAYTON and Assistant CHIEF COMMISSIONER SCOTT concurred.

May 5, 1913.

RE C.P.R. SPURS—CITY OF WINDSOR, ONT.

The CHIEF COMMISSIONER: I have had the opportunity of reading the judgment of Mr. Commissioner Goodeve, which refuses the railway company's application.

There is no doubt that the yard and freight shed which the company proposes to give Windsor is placed at the best point both for business and convenience, and that, should a freight yard be established by the Canadian Pacific at the property which it owns to the north, the additional distance will add considerably to the cartage costs.

The yard it proposes is better for the commercial interests of Windsor than that proposed by the city.

On the other hand, it is equally clear that no general movement is especially accommodated by the increased facility. The yard is entirely one for local freight, and would be an added facility to those that shippers at Windsor already enjoy.

This matter, therefore, has to be considered apart from the general transportation interests of the country. It is a matter for Windsor.

Frequently, in such cases, opposition is made by the municipality to street crossings; but the business interests of the community, as represented by Boards of Trade or the shippers themselves, require the proposed additional facility.

In this case, not only does the municipality itself strongly object to the crossing, which is necessary in order to utilize the railway's property for yard purposes, but



## SESSIONAL PAPER No. 20c

the Board of Trade, representing the shippers and merchants, is equally vehement in its objections to the proposal.

It is true that the business of the country at present cannot be carried on without level crossings. It is also true that Windsor occupies a unique position. There are no level crossings in the municipality. The traffic at this point is—while not such as to prohibit a level crossing under ordinary circumstances—nevertheless heavy, and a track at this particular point has an added danger and drawback owing to the fact that the crossing would occur immediately opposite the approach to the highway bridge over the railway's main line, and would, in any event, require protection by gates and watchmen.

Under the circumstance, I therefore agree with the conclusions arrived at by Mr. Commissioner Goodeve.

Order issued refusing application.

May 9, 1913.

## RE G.T.R. SPUR TO PREMISES OF J. G. BUTTERWORTH, OTTAWA. . .

APPLICATION of the Grand Trunk Railway Company, under sections 222 and 237, for authority to construct branch line and spur therefrom commencing on Chaudiere branch, west of Division Street, Ottawa, extending westerly across Rochester Street, at grade, and Mark Street (unopened), into the premises of J. G. Butterworth.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing in Ottawa, May 20, 1913:

This application is made by the Grand Trunk for the approval of a spur line into some property owned by Mr. Butterworth. It involves the approval by the board of a branch line under section 222 of the Railway Act, and also the approval of a crossing on the level over Rochester street by this spur.

The property is owned entirely by Mr. Butterworth or the Grand Trunk Railway Company. They are not asking to have powers of expropriation against any individual land owner.

The use which Mr. Butterworth will make of the property is one with which we are not concerned. The laws of the province will deal with him if he causes undue injury to any person who lives in that locality.

There is no reason why the application for a spur line should not be granted. As far as the crossing of Rochester street is concerned, there are now two tracks over that street, the main line and one leading to the Fraserville lumber yard of Mr. Booth. This additional track, approval of which is now applied for, will lead only to this coal property, and will be used only for slow movements into the coal yard.

It appears to us that it will be perfectly safe as long as there is a flagman there to protect the movements across the highway; that is, to protect people on the highway from the cars and engines of the Grand Trunk Railway.

We are not concerned with what has occurred between the Board of Control or the City Council and other parties. Of course, we always like to hear what the municipality has to say when an application for approval of a crossing over a highway is before us. In this case, the City Council has apparently decided to leave it to this Board. We have hundreds of these applications before us from time to time, and to my mind this is not going to be a dangerous crossing, and I do not think it is going to be detrimental to the parties in the vicinity. It seems to me that perhaps public opinion is unduly inflamed about it, and the best thing that we can do is to settle it at once by granting the application.

Mr. McVEITY: The conditions will be attached to the order?

5 GEORGE V., A. 1915

The ASSISTANT CHIEF COMMISSIONER: Yes, the condition will be attached that the movements across the highway will have to be flagged.

Ordered accordingly.

RE SPUR CONSTRUCTION, RAILWAY CROSSING, AND REVISED LOCATION OF CONNECTING TRACK IN  
THE CITY OF HAMILTON.

The Toronto, Hamilton and Buffalo Railway Company applied for authority to construct two spurs in the city of Hamilton, as particularly described in the application: the Hamilton Street Railway Company applied for permission to cross, at rail level, the spur track belonging to the Steel Company of Canada on the base line between the Broken Front concession and the First concession; and the Grand Trunk Railway Company applied, under section 167, for approval of plan showing revised location of connecting track from its railway to the line of railway of the Toronto, Hamilton and Buffalo Railway Company, in connection with the layout of tracks serving the Steel Company.

These applications were heard at Ottawa, June 4, 1913.

At the conclusion of the hearing, Assistant Chief Commissioner Scott delivered the following oral judgment:

Perhaps I had better lay down one or two principles and then we can hear further from you gentlemen after I get through. We realize the advantage, practically the necessity to the Steel Company and the International Harvester Company of this additional track. If the Steel Company is to have all these tracks in here in its yard, and they are to be served, they certainly will, as a matter of economical operation, require a second track to feed them. It may be that the switches are not in the right place. That is a detail that our engineer will have to decide at a later date. It may be that, from the point of view of proper protection, the switches will have to be moved north or south. We do not know about that; but we realize that the application should be granted.

The city, with regard to Burlington street (called Gilkinson street), is senior to the tracks of the applicants.

There is an agreement between the Radial and the Steel Company affecting the existing track into the Steel Company premises which would govern one of the tracks which the Steel Company now desires to lay across the street. That is, it would govern one in substitution for the existing track which is to be removed; but with regard to the second track, we are of opinion that that agreement does not affect it, and that the second track which it is desired to construct would be junior to the Radial Railway.

The Hamilton Street Railway is junior to everything.

Now, with those facts ascertained, Mr. Staunton, do you want to take the order, or would you rather consider it and let us know later on?

MR. STAUNTON: I would like to ask this: What is the board's view as to the cost of this crossing, if I may ask?

The ASSISTANT CHIEF COMMISSIONER: We do not know.

MR. STAUNTON: It would require only one interlocker for the two.

MR. COLEMAN: Let me ask a question, Mr. Staunton, that may change your answer. You did not mention the fact the Radial Railway desires, and if necessary will apply at once for, permission to put another track across there.

The ASSISTANT CHIEF COMMISSIONER: You will be junior then.

MR. COLEMAN: That alters it somewhat, and that might alter their position.

The ASSISTANT CHIEF COMMISSIONER: There is nothing in that agreement affecting a second track for you. Therefore, you would be junior with your second track.

MR. STAUNTON: So they will have to pay for two crossings, anyway.

The ASSISTANT CHIEF COMMISSIONER: Two crossings over one track.

MR. STAUNTON: They have now to put in an interlocker if your board so orders. Now, one interlocker will serve the two tracks and we should not pay for that.

## SESSIONAL PAPER No. 20c

The ASSISTANT CHIEF COMMISSIONER: Unless you would pay for one-quarter of it. The crossing of their second track over your second track.

Mr. STAUNTON: If the expense to them were increased by our second track, it would be equitable that we should pay.

The ASSISTANT CHIEF COMMISSIONER: The expense of maintenance would probably not be increased.

Mr. STAUNTON: Nor the expense of installation.

The ASSISTANT CHIEF COMMISSIONER: The cost of the diamond.

Mr. COLEMAN: A double track interlocker, of course, would be more expensive.

The ASSISTANT CHIEF COMMISSIONER: There are the diamonds and derails. There is some extra cost but not much.

Mr. STAUNTON: Under your ruling, whatever extra expense they were put to we might have to divide with them if the two were in there.

COMMISSIONER McLEAN: There would be the crossing of your second track over their first track.

Mr. STAUNTON: And they would have the crossing of their second track over our track so that they get back where they were. They would pay for the installation just the same under their bargain with us. I think that would be the net result.

Mr. COLEMAN: We will leave that adjustment to the board entirely.

The ASSISTANT CHIEF COMMISSIONER: Our engineer says that he is not sufficiently familiar with the layout to say what he would recommend with regard to the character of the interlocker. It certainly looks as if there should be an interlocker device of some kind there; either a half or whole interlocker. We cannot tell you now what our views would be, because we have to be fortified with the advice of our engineer.

Mr. STAUNTON: Do you mean as to cost?

The ASSISTANT CHIEF COMMISSIONER: As to character.

Mr. STAUNTON: You will put in an interlocker which will serve the public properly; but as a matter of fact the only interest we have is the question of the cost of that interlocker.

The ASSISTANT CHIEF COMMISSIONER: Do you want to lay your double track at once, Mr. Coleman?

Mr. COLEMAN: Yes, we are at work on it now.

The ASSISTANT CHIEF COMMISSIONER: Then, following this out in a mathematical way—

Mr. COLEMAN: You mean on the Radial?

The ASSISTANT CHIEF COMMISSIONER: Yes.

Mr. COLEMAN: Yes, it is safer to lay that track at once.

The ASSISTANT CHIEF COMMISSIONER: I should think it would be 75 per cent Radial and 25 per cent steel, when they get their double track down, for the protection. I do not mean the maintenance (the man who is to operate it), but the actual cost. There are four things to be done—four diamonds to be put in, and there are derails to be put in, and so on. Now, anything that has to be done with regard to your second track over there, first, extra and above the cost of the other, will be on your—

Mr. STAUNTON: Would be on us under your ruling.

The ASSISTANT COMMISSIONER: Yes. The rest would be on the Radial.

Mr. STAUNTON: That is, they would have to bear all the expense that they carry as junior, and we would have to bear all the expense which we carry as junior.

The ASSISTANT CHIEF COMMISSIONER: That is right.

Mr. STAUNTON: That would not mean 75 per cent?

The ASSISTANT CHIEF COMMISSIONER: Not of the total cost. The maintenance might not be any greater, but the actual cost of the diamond and the actual cost of the derails would be paid by you.

Mr. STAUNTON: I would suggest that they have the installation, and that the board



5 GEORGE V., A. 1915

should say how much we shall pay in money, and not leave it to be worked out. Then, when they state how much it is, there will be so much money.

The ASSISTANT CHIEF COMMISSIONER: We generally lay down the principle and see if the parties cannot agree on the accounting. If not, our engineer will decide it. We have laid the principle down now, and we will decide the exact amount if you do not agree. If necessary, the board will decide the exact contribution to the protection.

Mr. STAUNTON: That does not involve, then, the cost of operating that machine when it is in? It is the installation?

The ASSISTANT CHIEF COMMISSIONER: Unless it would be one-quarter of the man's salary.

Mr. COLEMAN: That will be very slight, because I am assuming, and I think I will be right in the event, that your engineer will decide that it is the easiest and simplest thing to have a watchman there who will handle the three roads; a man in a tower to do the whole business, so that there will be very little expense on the senior.

The ASSISTANT CHIEF COMMISSIONER: Yes, I do not think it will affect their dividends a bit.

Mr. LATHAM: Will Mr. Mountain make an inspection of the ground?

The ASSISTANT CHIEF COMMISSIONER: Yes.

Mr. COLEMAN: What about our application here?

The ASSISTANT CHIEF COMMISSIONER: You had better make a formal application.

Mr. STAUNTON: Of course this applies to the Grand Trunk and the Toronto, Hamilton and Buffalo?

The ASSISTANT CHIEF COMMISSIONER: As I understand it they are the same thing here.

Mr. STAUNTON: Yes, it is practically the same thing; but the order will be for each railway, so that they will get it. It will be a joint order, Mr. Cahill suggests, for the Grand Trunk and the Toronto, Hamilton and Buffalo. I presume there is no objection to No. 5, which is the application of the Grand Trunk to connect with the tracks of the Toronto, Hamilton and Buffalo, south-west of the street crossing, on the lands of the Steel Company.

That is granted with the others.

We want to make it clear as to Mr. Waddell's point, that this is not the granting of two new tracks but the moving of one track and the granting of a new one, so that whatever provision or contribution out of the Railway Grade Crossing Fund might have been made on the old track can still be made as regards one of the new ones, because it is an old one moved easterly.

Ordered accordingly.

*Re* CARROLL BROS. SIDING AGREEMENT WITH G.T.R. AT SHERKSTON, ONT., AND TUNNEL FOR EMPIRE LIMESTONE COMPANY, TOWNSHIP HUMBERSTONE, ONT.

APPLICATION of Carroll Bros., Buffalo, N.Y., for an Order settling the terms of agreement of January 4, 1913, between the Grand Trunk Railway and Carroll Bros., respecting the laying and maintenance of a siding connection with the Grand Trunk Railway at Sherkston, Ont.

APPLICATION of the Empire Limestone Company, Limited, for authority to construct a tunnel under the right of way belonging to Carroll Bros., on Lot 5, Con. 1., Tp. of Humberstone, Ont.

Mr. COMMISSIONER McLEAN:

The first of these applications was spoken to at Hamilton on April 28. It being represented that the matter was under negotiation and that the parties would be able to come to some arrangement, the matter was struck off the list, to be reinstated on request and on notice. The second of these applications was also spoken to at the

## SESSIONAL PAPER No. 20c

same hearing, and it was arranged that the matter was to be further developed by written submissions. These submissions are now before the board, and the matter is ripe.

By the board's order No. 18186 of December 2, 1912, and on the application of Carroll Bros., the Grand Trunk Railway was directed to construct a certain siding. The order in question, in so far as it is germane to the present application, is concerned with the fact that the siding in question was to begin at a point, shown on the plan as "B" on the existing siding on the road allowance between lots 4 and 5, in the township of Humberstone in the county of Welland, there being a siding connection from the said point "B" to Sherkston, on the Buffalo and Goderich Division of the Grand Trunk Railway. The traffic of Carroll Bros. to and from the siding directed by the foregoing order has thus to move from the point "B" to the point of connection with the Grand Trunk Railway over a siding which is being used for the movement of traffic of the Empire Limestone Company.

It is unnecessary to enter into the detailed record of the relations between the Empire Limestone Company, hereinafter spoken of as "The Empire Company," and Carroll Bros. It is sufficient to state that at one time portions of the property now owned and operated by the Empire Company belonged to Carroll Bros. It is alleged that as a result of the sale by Carroll Bros., the siding, from the point "B" to the connection with the Buffalo and Goderich division, passed with the other properties.

Application is made by the Empire Company, for an order directing Carroll Bros. to pay a switching charge of at least \$2 per car on each of its cars over the siding from the point "B" to the connection with the Buffalo and Goderich division.

While it is contended by the Empire Company that the siding in question was included in the property purchased by the Empire Company, it does not seem to me to be necessary to enter into this matter; and the question may be raised as to whether the board is the proper tribunal to decide what passed in return for the payment of the purchase money.

When the property was in the possession of Carroll Bros., a siding agreement was entered into on April 1, 1897, between them and the Grand Trunk Railway, which is shown by the blue print on file attached to the copy of the agreement to deal with a siding from Sherkston to a point "B," said siding being located for the greater part of its length on the public road between lots 4 and 5. It appears that the location of this siding on this public road has been sanctioned by the township.

It is specifically set out that the material of the siding between points "A" and "B" was the property of the Grand Trunk Railway. The siding agreement was to run for a period of five years, and an annual rental was to be paid by Carroll Bros., in respect of the iron and steel furnished by the railway company. Clause 12 provides:—

"The company (that is the railway) shall have the power to authorize the use of the portion of the siding coloured blue between the points lettered "A" and "B" on said plan, by any other trader, such trader paying to the contractor (that is Carroll Bros.), a reasonable compensation for such use, the amount to be settled in case of differences or dispute by the general manager of the company, whose decision shall be final."

On the 10th April, 1906, the township of Humberstone passed by-law No. 384. This dealt with certain rearrangements of the existing highway between lots 4 and 5, with a view to permitting the operations of the Empire Company to be more efficiently carried on. The Empire Company obtained from the township the closing of certain portions of the road between lots 4 and 5, and deeded to it in return for this a new road. In the second recital of this by-law, it is stated that Carroll Bros. had acquired by a by-law of the township of Humberstone the right to lay railway tracks on the

5 GEORGE V., A. 1915

road allowance between lots Nos. 4 and 5; and in the 8th recital it is set out that the Empire Company had agreed:—

“In order to save the necessity of the multiplicity of railway tracks on the highway, that Carroll Bros. shall have the right to the use of the railway tracks that run north from the north end of said new road, along the highway, to the right of way of the Buffalo and Goderich Division of the Grand Trunk Railway, provided that this privilege does not interfere with the company's business.”

On the 1st of June, 1909, a siding agreement was entered into between the Empire Company and the Grand Trunk. In the blue print attached to the agreement it is shown that between Sherkston and a point marked “X” which is located near the north end of the new road already referred to, there are located on the road between lots 4 and 5 tracks shown in red on the blue print, these tracks being noted thereon as being owned by the Grand Trunk Railway Company. The tracks so noted extend to the north to the connection at Sherkston.

By clause 12 of the agreement, it is provided:

“The company (that is the railway) shall have the power to authorize the use of that portion of the siding coloured red on the said plan by any other trader, when that can be done without interfering with the proper handling of the business of the contractors (that is the Empire Company).”

The situation then appears to be that, under the by-law of the municipality permission was given to Carroll Bros. to lay tracks on the road between lots 4 and 5. It is set out in the recital already referred to that the Empire Company had agreed to grant Carroll Bros. the use of the railway tracks running north from the north end of the new road the right of way of the Buffalo and Goderich Division, this being subject to the condition already referred to. It further appears by the agreement of June 1, 1909, that the whole of the material in the sidings coloured red on the blue print already referred to, said sidings extending southerly from the point of connection with the Buffalo and Goderich Division to the point marked “X” is the property of the Railway Company.

Under both siding agreements, the railway company had the right to route traffic of any other trader over the siding on the road between lots 4 and 5. Under the agreement of April 1, 1897, the right of the railway company was absolute, subject to the payment of a reasonable compensation. In the agreement of 1909, the condition differs, in that while no provision is made for compensation to the Empire Company, the use of the siding by any other trader is to be carried on so as not to interfere with the proper handling of the business of the contractor.

The rights, if any, of the Empire Company to compensation when this portion of the siding is used by any trader, depend upon the specific wording of the agreement entered into between this company and the railway company. No such provision for compensation is contained in the agreement; and I am, therefore, of opinion that the board is not warranted in giving a direction for compensation. Under the agreement, the railway has the power to authorize the use of the siding by any other trader, and the obligation is on the railway company to see that this is done without interfering with the proper handling of the business of the Empire Company. It has not been shown that there has been any interference with the business of the Empire Company, and until this is shown there is no justification for the intervention of the Board.

The application, therefore, should be dismissed.

July 30, 1913.

THE CHIEF COMMISSIONER:

As pointed out by Commissioner McLean in his judgment, the Empire Company have accepted benefits under a by-law reciting that the company have agreed to allow



## SESSIONAL PAPER No. 20c

Carroll Bros. to use the tracks in question in lieu of another track that firm apparently had the right to construct.

The Empire Company further enter into another agreement, covering the siding, without providing for compensation by others using the switch, as the former agreement did. Under these circumstances, I agree in the result of Commissioner McLean's judgment;

July 31, 1913.

*Re G. N. R. SWITCH AND TRACK ON GAZETTED ROAD, CRESCENT, B.C.*

*Re Complaint Surrey Municipality against Great Northern Ry. Co., as to placing of switch and track on gazetted road at Crescent, B.C.*

The CHIEF COMMISSIONER:

A complaint was made at the last sitting of the Board at Vancouver on May 20, 1913, by the municipality of Surrey against the Great Northern Railway Company as to the placing of a switch and track on the gazetted road at Crescent, B.C.

At the hearing, it appeared that a switch and service track were placed on a public highway without notice or consent. It also appeared that the work of construction had not been authorized by any order of the board.

The matter stood to allow the railway company, which had had but short notice, to make its explanation as to why the construction was made without the appropriate order; and Mr. MacNeill, the solicitor for the railway company wrote, on the 23rd of May, stating that, at the conclusion of the session in Vancouver, he sent a letter out to the different departments which could have had anything to do with the matter requesting an explanation of the whole circumstances; and that he had not as yet received a complete report. The letter goes on to say that: "The work of diverting the road was all done by the mill company. The work of putting in the switch was done by the roadmaster of the railway company on the assumption that the municipality had assented to the change of the road. The Operating Department apparently had overlooked the necessity of obtaining the approval of the board to the change in the position of the spur line."

Mr. MacNeill's letter further goes on to point out that the highway is junior to the railway, and that, some years after the railway construction and in the year 1909, the highway was gazetted; and that no application, so far as he is aware, was ever made for the construction of the highway over the railway, and that it still was an unauthorized construction.

The railway construction, however, is entirely irregular and unlawful, and was unlawful in the first instance as is its use to-day. The duty of the railway company to obtain the enabling order of the board is plain; and so far as the railway company is concerned, the proper direction probably would be that the track should be torn up.

On the 9th instant, Mr. MacNeill was written to for information as to when his report, referred to in his letter of May 23, would be ready, but no answer has been received. The position seems to be one that it would be impossible for any counsel to better.

The municipality, however, has since written stating as follows:

"We wish to go on record that it is not our desire to in any way hamper industries locating in this municipality, but rather to do all in our power that is within reason to foster same; but we do not desire to have railway corporations or anyone else making changes in our highways without the consent of the municipality as was done in this case, and we do not wish to do anything to inconvenience this mill company in handling their products; but would demand that the railway company move their frog and switch a sufficient distance to the south so that there will be a clear passage over the gazetted highway, as explained

5 GEORGE V., A. 1915

in our correspondence with the Great Northern Railway Company, of which you have copies."

The municipality's position is reasonable and should be given effect to.

Had the matter been brought to the attention of the board in the first instance the frog and switch would never have been assented to on the line of the travelled highway.

It is quite easy for the frog to be moved off the highway to the south, as the municipality requires.

In my view, the railway should be required to remove the present frog and switch, and authority should be given to it to construct a new one at a point on its right-of-way leading from thence over the highway to the mill. The company to file proper plans with the board showing the new layout when the formal order can go approving of the work.

The railway company is also to place the highway in a proper condition for traffic where disarranged by the removal of the switch and frog. The whole work to be done by the railway company at its own expense, and unless finished within sixty days, the present construction should be treated—as it is in fact—as plainly illegal, a nuisance on the public highway and be torn up.

Commissioner Goodeve concurred.

Order, in accordance with the judgment, issued.

July 22, 1913.

RE GREENFIELD CO.'S SPUR, TORONTO.

The CHIEF COMMISSIONER:

This is an application made by the Greenfield Conduit Company, Limited, for an order under section 226 of the Railway Act, directing the Grand Trunk Railway Company to build a spur line (an extension of the existing spur line) on the lane in rear of the premises of the said Greenfield Conduit Company, Limited, situated on Broadview avenue, Toronto, Ont.

The application is supported on the ground that the applicants are entitled, under their conveyances, to have this spur constructed on the lane; and on the further ground that the spur is necessary for the proper enjoyment of the premises.

The application is not opposed, but on the other hand supported by other property owners, with the exception of Mr. Hetherington, for whom Mr. Armour appeared at the hearing in Toronto on the 6th February, 1913.

At the hearing, the board was of the view that the order should be made; but on leave reserved, written arguments have been filed by both parties and a subsequent view of the premises necessitated.

The necessity for the view of the premises arises by reason of the claim made by Mr. Armour that, under his instructions, his client's property had no other access, and would be ruined if the spur was built, a view of the *locus* being since held at which the board's engineer was present, but without notice to the parties and in the absence of both of them.

The district in question is an industrial one. The whole block of property from Broadview to the Don Improvement Road was formerly owned by the Erie Realty Company, Limited, and an application was made by that company and by the Conboy Company and Gowans, Kent & Co.—purchasers of portions of the block from the Erie Realty Company—to the board, under date of September 18, 1905, for an order directing the Grand Trunk Railway Company to construct and operate a spur line with all necessary sidings into different properties named in the application, and forming part of the original holdings of the realty company.

Two plans were filed with the application—the one plan showing the construction as it now exists and the other plan showing the spur line continued northerly to the end of the land hereinafter mentioned.

## SESSIONAL PAPER No. 20c

This application for a spur was granted, and an order made by the board, the order of the board being dated, April 17, 1906.

There is no question as to the character of the property or the advisability of construction of railway spurs for the enjoyment of the different subdivisions as established by the action of Mr. Hetherington's predecessors in title, apart from the uses to which the property is to-day put.

The block originally owned by the Erie Realty Company is intersected by a lane running north and south having a width of 26 feet. Apparently, the first mention of the lane occurs in an agreement for sale under which the Erie Realty Company agreed to sell to Gowans, Kent & Co., in which, after agreeing to convey certain lands, the vendors "agree and undertake that they will have a roadway or street opened to and along the east side of said lands and connecting at one end with either the Don Improvement Road, Eastern Avenue or Broadview Avenue, and having such connection at the other end by lane of sufficient width with some roadway or street as will enable wagons, etc., to pass over and along said new roadway or street without turning such new roadway or street to be so opened as to give to the purchasers ready access to the rear of the property being purchased by them by the first day of October, 1906—such new roadway or street is to be at least twenty-six feet (26 feet) wide, and is to be laid out on the property now owned by the vendors, and said railway switch is to be on the said new roadway or street."

The railway switch referred to is a switch which the vendors agreed before the board's order of April, 1906, to have put in along the east side of the lands purchased by Gowans, Kent & Company.

The conveyance made by the Erie Realty Company under the agreement contains no reference to the lane or to the rights on the railway spur.

A subsequent instrument, dated May 27, 1907, recites that the Erie Realty Company has since sold and conveyed other lands to the east of Gowans, Kent & Co.'s property, excepting and reserving, however, a strip 26 feet in width for the roadway mentioned in the agreement, and reserving a right of way over another strip 14 feet wide for the lane also mentioned in the agreement. This conveyance goes on to grant a right of way over the roadway and lane, but so far as the 26-foot strip is concerned subject to a railway switch being constructed, laid, and used thereon.

The deed from the Erie Realty Company to Frankel, of March 1, 1906, and which conveyed the lands east of the 26-foot reservation, contains the following provision as to the reservation and railway siding:—

"Together with the use for all proper purposes of the railway siding constructed or to be constructed upon and along the said lane to the west of the lands herein described. Together with a right of way to the grantees and their assigns for all purposes in, over and along the said land and railway siding to the west of the lands herein described; subject also to the encroachment of said lane and railway siding upon the above described lands where the same may be found necessary for the proper location and construction of said railway siding."

Frankel then conveyed the property to the north of that owned by the Greenfield Conduit Company, and marked Riverdale Roller Rink on the plan, on the 26th July, 1906, continuing to his grantee the rights he received under the paragraph above set out.

The conveyance from the Erie Realty Company to Conboy—one of the original applicants for the siding—of date June 30, 1908, refers to an original agreement between the parties, and recites that, under that agreement, the parties "should join in an application to the Board of Railway Commissioners for an order for the construction by the Grand Trunk Railway of a railway siding to the east of the said lands, which said railway siding was to be used by the said Conboy and the Erie Realty Company, Limited, or any other persons, firms, or corporations who should



purchase the adjoining lands from the said Erie Realty Company, Limited." The lands Conboy purchased extend to the end of the 26-foot strip.

It seems to be clear that the parties contemplated a railway switch running the full length of the 26-foot reservation and to the 14-foot land. The switch as actually constructed does not lie in the lane at all to the east of Conboy's property, but is curved into Conboy's property at its southeast angle. Conboy's rights in the 26-foot strip are defined under this conveyance as follows:—

"A right of way for use in connection with and for the purposes of the said lands mentioned in No. 19451 P for all purposes for which a roadway or land may be used in common with all others entitled from time to time to the use thereof, but subject as to the said strip of land twenty-six feet wide to a railway switch being constructed, laid, and used thereon, on, over and along, etc."

Conboy's parcel, as shown by the plan, runs from the 26-foot strip over to the Don Improvement road; and on the 21st September, 1908, he conveyed the easterly portion of it, which fronts on the 26-foot reservation, to William Laking, John T. Laking, and W. J. Hetherington, the result being that, so far as this property is concerned, its only access by the 26-foot strip either from Eastern Avenue on the south or through the 14-foot lane running from Broadview avenue to the east. The actual use, however, of the property is as a lumber yard, in conjunction with property facing on Queen street, the whole being used as one lumber yard.

Conboy reserved his right to use the present railway siding.

The provision in the conveyance as to the 26 foot strip is as follows:—

"Together with a right of way (for use in connection with and for the purposes of the hereinbefore described lands) for all purposes for which a roadway or lane may be used in common with all others entitled from time to time to the use thereof, but subject as to the said strip of land twenty-six feet wide to a railway switch being constructed, laid, and used thereon, on, over, and along, etc."

It is to be observed that at this time the railway switch authorized had been built and completed, and was in actual use by Conboy, the construction authorized by the board's order having been completed in 1906.

The applicants' title to their property is derived under a grant from Frankel, and their rights—whatever they may be—are similar to his.

The result is quite clear that the 26 foot right of way has been effectually reserved running from Eastern avenue to the northerly limit of the Erie Realty Company's premises, where it is joined by the 14-foot lane; that all the different owners whose properties abut have the right of way over it and over the 14 foot lane; and that this right of way is at least subject to the existing switch.

Mr. Armour contends that, under the agreement between the Erie Realty Company and Gowans, Kent, and Company, the 26-foot strip on which the switch could be built only extended, according to the description, from Eastern avenue north to an iron bar in the Conboy parcel, 537 feet 9 inches from Eastern avenue, pointing out in his written submission that the distance from Eastern avenue to the north limit of the 14-foot lane is 799 feet; and that if the deed means that a grant was made to construct the switch, then the right is to construct a switch only to the point 537 feet 9 inches from Eastern avenue; and that, if it is a reservation and not a grant, then for a similar switch.

I do not so read the description. It seems to me to be clear that the lane, which is on a radius so as to allow for the necessary curve of the spur, is properly described by proceeding northerly on a curve to the right to a point distant 287 feet 1 inch, from Broadview avenue, and also distant 260 feet northerly from Eastern avenue. Having ascertained this point, the description proceeds not from Eastern avenue but

SESSIONAL PAPER No. 20c

from the defined point, 537 feet 9 inches. This is made the more clear by the description going on to state that the iron bar referred to marks the northeasterly angle of the lands conveyed to D. Conboy. It would appear, therefore, that the parties contemplated at least the possibility of an extension of the switch the full length of the 26 foot reservation, as contended by Mr. Hunter.

On viewing the property last week, I find that the premises sold by Conboy to Laking and Hetherington are occupied by the Riverdale Lumber Company. That company, apparently, has siding accommodation from Conboy's switch. It teams, in part, over the 26-foot strip, which it was using in the same manner that a lane in its own yard would be used; that is, wagons loaded with lumber, or unloaded, were left standing on it with or without horses; the company's lumber piles in some instances also encroach over the 26 foot strip in one case to the extent of 6 feet.

The building of the spur will undoubtedly contract the space available to the lumber company for these purposes.

My view of the premises merely strengthens my first impression of the case, which was that it is proper for a spur to be built and that the order should go.

Mr. Armour also raises the question of title in the 26-foot strip entirely over and above the question of damages and the advisability of the construction of the spur.

In July, 1912, the Erie Realty Company conveyed the 26-foot strip and the 14-foot lane to Conboy, subject to the existing rights and privileges of Gowans, Kent, and Company, and other parties; and on the 20th of July, Conboy conveyed both lanes to Mr. Armour's client Hetherington.

The contention on this point is that no grant whatever of any right to construct is given by the Erie Company to any of its grantees; but that the Erie Company merely reserved the right to construct, granting the right of user if the switch was constructed, as well as contending, in any event, that the switch in no instance was to extend more than 537 feet 9 inches from Eastern avenue.

Under this contention, Hetherington, the present owner of the fee, alone has the right to build the switch,—a privilege which he may exercise, but not an obligation which can be enforced against him.

In arriving at the question whether the construction should or should not be made, I have come to the conclusion that the original intention was that the whole 26-foot strip might be used for railway switching purposes. Having gone that far, I do not think it proper to pursue the subject farther. It may be that the applicants are entitled to implement their casement as in *Senhouse vs. Christian* (1787), I.T.R. 560, I.R.R. 300, or that the right to construct the switch may be looked on as a secondary casement; but, in my view, this question is one for the regular courts to decide.

The construction of the switch being authorized, the work can proceed, unless that work means construction on lands of others, when construction can be restrained by order of the provincial courts until proper expropriation proceedings authorized by an appropriate order of the board are instituted. This board, at any rate, under the circumstances of this case, is not the proper forum to determine questions of title.

Order issued directing the railway company to construct, for and on behalf of the applicant and such other owner or owners of industries or business abutting on the lane, and who may be desirous of obtaining railway facilities in connection therewith, a siding to connect with its existing siding, and extending northerly therefrom as shown on the plan; the siding to be constructed on the easterly side of the lane.

July 23, 1913.

RE G.T.R. SPUR AND BROWN.

The CHIEF COMMISSIONER:

This is an application made by the Grand Trunk Railway Company to the board for an order authorizing it to construct, maintain and operate a branch line or siding

5 GEORGE V., A. 1915

as described in the application under the provisions of section 222 of the Act. Mr. Wegenast appears for Mr. Brown who is shown to be the owner of lot No. 89 on the plan. This spur, which of course is an industrial spur, Mr. Wegenast submits on behalf of Mr. Brown, is being constructed under an arrangement made between the Toronto Structural Steel Company and the Roman Stone Company with the Railway Company so as to obtain land belonging to Mr. Brown not really necessary for the construction of the siding, and in any event a larger amount of land than necessary. The spur is a proper one to be constructed and the purposes to be served by it are of the nature that spurs of its character are by the Railway Act required to serve.

The municipality of Weston is in favour of and supports the application. The board's engineer reports that the least amount of ground possible is taken from Mr. Brown, and that the line is a proper one and should not be altered. There can be no reason why it should be altered except that some other property owner should be inconvenienced instead of Mr. Brown. This is not sufficient to justify any change and in my view the order should go.

Mr. Commissioner Goodeve concurred.

July 29, 1913.

#### RE PROPER RAILWAY CONNECTION WITH GOVERNMENT ELEVATOR, PORT ARTHUR.

##### The CHIEF COMMISSIONER:

This is an application made by the Grain Commissioners for proper railway connection with the Government elevator constructed on part of section 52, Port Arthur. The case came on for hearing at a meeting of the board held in Fort William on June 4, when it was shown that the elevator site was purchased by the Grain Commissioners for the Canadian Northern Railway Company; that the purchase was made for the purpose of elevator construction to the knowledge of the railway company; that during the treaty for purchase, the matter of railway connection was brought up by the Grain Commissioners, who, knowing that the adjacent property was all owned by Mackenzie and Mann Company, or by the Canadian Northern, thought there might be difficulties in getting railway connections with other railways on an equal basis.

Mr. Sloan, Secretary of the Canadian Northern Railway Company, communicated with Commissioner Staples of the Grain Board as follows:—

"Wired you to-day as follows: So far as our company is concerned we are desirous of making all requisite facilities for your board to meet every contingency of traffic. With respect to the other railways will use best efforts to agree to their requirements, the Board of Railway Commissioners being empowered to adjust in the event of failure to agree.

"This is to clear any difficulty you might have in connection with the matter and states our case very clearly. I am sure the fact that you can fall back on the Railway Board if the companies cannot agree should be ample protection to the Grain Commissioners who are representatives of the people. I hope this will solve the difficulty and that you will proceed to have the matter adjusted as soon as possible."

Acting on this assurance the Board of Grain Commissioners purchased the property and contracted for the construction of their elevator which is expected to be finished in time to assist in handling this year's crop.

It now appears that the Canadian Northern are desirous of extending their facilities in Port Arthur and in Fort William, and for this purpose they desire to use a large stretch of vacant land lying to the north of the elevator, and between it and the railway tracks for yard purposes. The construction of a yard at this point makes it very difficult to get access for the other lines to the government elevator. I have no doubt as to the good faith of the railway. Additions to their yard and facilities are required, and the difficulty that now arises is undoubtedly due to the fact that Mr.



## SESSIONAL PAPER No. 20c

Sloan was not sufficiently in touch with the operating necessities of the railway in the west. While this is so, it is equally clear that the Grain Commissioners should not be prejudiced by Mr. Sloan's neglect to inform himself of conditions. The purpose of the elevator would fail altogether if proper railway connection is not afforded.

No plan was presented us at the sittings showing how the matter could be best worked out, but Mr. McLeod, general manager of the railway, submitted a plan showing the proposed new yard. This plan and the situation generally, has since received the careful consideration of the board's chief engineer, who has prepared a plan and made his report on possible solutions of the question.

The first recommendation made by Mr. Mountain calls for the construction of a track from the Canadian Pacific railway line at point "A," on the plan, thence running in a southerly direction to "B" where it connects with the Canadian Northern tracks, shown in yellow, being the projected industrial spur of that railway company. Connection can be made with the government elevator by the construction of a track from point "C" to point "D," the point "D" being on the present spur line running from the Canadian Northern tracks to the elevator. This calls for a movement of about one and a half miles from the C. P. R. line to the elevator, involving the construction of a track almost all of that length. An alternate line is also suggested by the engineer running from point "E" on the C. P. R. line, thence in an easterly direction to point "F" on the C. N. R. property and south of the projecting new yard, running thence in a southerly direction to point "G" on the existing spur line of the government elevator. This proposal would only call for the construction of about one mile of track, and would necessitate an interlocker.

Of course if the Canadian Northern construction, which the parties had before them when considering access to the elevator, was to be maintained, the proper place to make the connection is from the point marked "H" on the plan, on the Canadian Pacific line, running thence in an easterly and southerly direction to the switch of the Canadian Northern controlling the existing spur to the government elevator. This calls for the construction merely of 600 feet of track.

The Canadian Pacific Railway Company in their reply object to the first line suggested, but have no objections either to connections being made on their lines at points "E" or "H." One of the grounds of its objection is that the route from point "A" is entirely impracticable, and that it would affect its stock yards. No answer has been filed by the Grand Trunk Pacific Railway Company, but that company can get access to the elevator over whatever connection is made for the purpose of the traffic borne by the Canadian Pacific.

Mr. Hanna, on behalf of the Canadian Northern Railway Company, telegraphs as follows: "Your message twenty-fourth to Temple regarding access by Canadian Pacific to Government elevator at Port Arthur. Construction of either spurs suggested by Mr. Mountain would seriously interfere with our projected plans regarding development yards and industrial trade Port Arthur. As evidence of our desire help out situation and until our plans are fully matured this Company will agree to handle Canadian Pacific business at nominal charge per car in excess actual cost between transfer tracks and elevator. Trust this will be satisfactory to board."

It is a matter of uncertainty as to when the new yards of the Canadian Northern will be constructed. No application for approval of their construction has yet been filed with the Board. It is a matter of certainty that immediate connection is required with the Government elevator. At the present time, and in view of representations made by the Canadian Northern Railway Company, it would probably be unfair to make any Order which would contract for all time the use of its property. That Company should have further opportunity to develop plans giving proper access from all railways to the Government elevator without undue interference with its own development. In the meantime the elevator must have railway facilities.

5 GEORGE V., A. 1915

Under the circumstances, I think that the construction from point "II" on the Canadian Pacific tracks to the switch of the existing spur to the Government elevator should be ordered. This work must be done by the Canadian Pacific Railway Company and finished within thirty days. The cost of the work will be paid by the Grain Commissioners as part of their facilities in connection with the elevator. The estimate of cost made by our engineer will not exceed \$1,000. It may be less. The rails, as the Grain Commissioners pay for the construction, will if taken up revert to the Grain Commission, and the value of the rails when taken up should be worth at least 50 per cent of the cost. The spur track belonging to the Canadian Northern now running to the Government Grain elevator and with which connection with the C.P.R. tracks is now made, must be maintained by the Canadian Northern Railway Company not only for the transport of grain carried on its lines to the elevator, but also grain carried either on the lines of the Canadian Pacific or Grand Trunk Pacific Railways, and offered for transport over the construction now directed. This maintenance must continue until such time as other proper and sufficient facilities are arranged and provided by the Canadian Northern for the Government elevator to the satisfaction of the Board.

Commissioner Goodeve concurred.

July 29, 1913.

GOVERNMENT ELEVATOR AT FORT WILLIAM.

The CHIEF COMMISSIONER:

When absent on the recent Western Ontario Circuit of the board, a telegram was received by me from Dr. Magill, Chairman of the Grain Commission as follows:—

"Canadian Northern has prohibited Canadian Pacific using tracks into elevator. No reason assigned. Elevator ready to handle grain. Please wire instructions."

On arriving at Toronto last Monday, Mr. Temple, who was then present at the Toronto sitting representing the Canadian Northern Railway Company, was advised that his company must answer, the following morning, the complaint made. On the following morning Mr. Phippen appeared and the matter was discussed. An oral direction was then given that the Canadian Northern should permit the passage of Canadian Pacific trains over the track leading to the government elevator for the period of two weeks, within which time it was thought that a solution of the matter might be found. To-day the board is in receipt of a telegram from Mr. Birkett, Secretary of the Commission, as follows:

"Canadian Northern objects and obstructs Canadian Pacific putting cars into government elevator. Wired you last Saturday but have had no reply. Please advise."

From this it would appear that no notice has been taken by the Canadian Northern of the intimation made in Toronto last Tuesday; and it therefore becomes necessary to issue a formal order in connection with the matter.

The board did not have the file before it in Toronto, and was not in a position to deal finally with the matter.

This whole question is in a mess. The real difficulty can be traced back to the fact that the Grain Commission relied on the representations of the Canadian Northern, as set out in the previous Judgment, that access could be had to the elevator for all railways; and then, after having done this, and the elevator is well under construction, the company prepared plans for freight yards, which, if adopted, would effectually prevent the government elevator having an independent spur, or tracks of other companies running to it.

The original order was merely a temporary order.

## SESSIONAL PAPER No. 20c

The original order directs that the spur track belonging to the Canadian Northern Railway Company, now running to the government grain elevator, is to be maintained by the Canadian Northern not only for the transportation of grain carried on its lines to the elevator, but also grain carried either on the lines of the Canadian Pacific or Grand Trunk Pacific Railways, and offered for transport over the construction directed by the order; and that the track is to be maintained until such time as other proper and sufficient facilities are arranged and provided by the Canadian Northern Railway Company for the government elevator to the satisfaction of the board.

On looking over the file, difficulties seem to have been raised from time to time by the Canadian Northern. The board was advised, for example, by wire from the Canadian Pacific officials that when that company started to construct track to government elevator, in accordance with order, its work was stopped by the Canadian Northern. A similar wire was received from the Grain Commission. The Canadian Northern's interference then seems to have been the result of a misunderstanding and an arrangement was come to between the parties. The Canadian Northern then desired to have the actual connection moved to another point. The Canadian Pacific Railway Company then wired, on the 18th August, that the construction could not be made as ordered, because the Canadian Northern had strung a lot of tracks on property over which the spur is directed to be constructed. Then, on the 26th August, difficulties apparently were removed, and an order was made for a change of location agreeable to the Canadian Northern. An amending order was issued. Complaints were again made as to delay in carrying out of order, and the company was again wired on the 16th and again on the 17th September. Then the work seemed to proceed and has been completed.

The position taken by the Canadian Northern now is that movement of cars or trains of other railways over the tracks in question leading to the government elevator should be done by Canadian Northern engines and crews; and that the business should be merely handed over to the Canadian Northern as an ordinary interswitching movement, giving that company practically a monopoly of the business of the government elevator. The company urges that anything else is confiscation of its track; that the track is its property and should not be used by any other railway except under the ordinary terms.

If effect is given to this objection it simply means that the government elevator, to all intents and purposes, is an elevator serving the system of the Canadian Northern Railway Company, and not serving the wheat exporters of the West generally as the government desires. The land would certainly never have been bought from MacKenzie and Mann or from the Canadian Northern Railway Company, as the case may be, by the Commission, under any such circumstances. If the Canadian Northern will relinquish its endeavours to control the elevator, there need be no difficulty in carrying out a temporary solution. The board's operating officer says that there is no difficulty whatever on the ground of safety in having trains of both railways operated over the track. A man, however, should be placed at the switch to control the operations of both railway companies; and a direction is now made that the Canadian Northern shall appoint such a man. As the operation will be day and night, the order that will issue will cover the appointment of a man both day and night. The wages paid the men, as well as any proper and necessary repairs to the track, shall be divided between the companies on a wheelage basis.

Should any further difficulties be raised, the parties may expect that an order will be made by the board, under section 176 of the Railway Act, and, if necessary, to the full extent of that or any other section which will enable the board to deal with the matter in such a manner as to ensure proper service to the government elevator.

Commissioner McLean concurred.

October 17, 1913.



## RE G. T. P. SPUR—FORT WILLIAM, ONT.

APPLICATION of the Grand Trunk Pacific Railway Company, under sections 222, 237 and 257, for authority to construct a double track branch line or spur turning out from its line on Empire avenue, northerly, along private right of way, formerly James street, to William street; thence easterly to Thunder Bay, Fort William, Ont.

Oral judgment delivered by Assistant Chief Commissioner Scott at the hearing, September 16, 1913.

The board is of the opinion that the application should be granted to build the line as far as the western boundary of Vickers street, subject to the terms of the agreement which was made between the railway company and the municipality years ago and confirmed by the legislature.

We will insert the clause which we did in the Hardisty Street order, requiring the railway to pay damages, if any, to property owners abutting on the highways along which the railway runs.

As far as the portion of the line from the west side of Vickers street on to the waters of Thunder bay is concerned, including the application to cross the Canadian Northern and the Canadian Pacific and the electric railway, we will leave that over to the next sitting of the board at Fort William, so the matter can be considered on the ground.

Mr. TEMPLE.—Then, this approval will not be—

The ASSISTANT CHIEF COMMISSIONER.—In favour of the balance at all. It may be the line should stop there.

## RE SPUR FOR HENRY HOPE &amp; SONS OF CANADA, LTD., PETERBOROUGH.

Mr. COMMISSIONER GOODEVE.

This is an application under sections 222 and 227 of the Railway Act by the C. P. R. as lessee exercising the franchise of the Ontario and Quebec Railway Company, for authority to construct an industrial spur for Messrs. Henry Hope & Sons of Canada, Limited.

The consent of the city of Peterborough, and the township of North Monaghan are endorsed upon the plan accompanying the application; but, the terms upon which the consent of the city of Peterborough is given is set forth in letter on file from the mayor, dated January 15, 1914, and is as follows:—

“That the council consent to an order being issued by the Board of Railway Commissioners permitting the Canadian Pacific railway to construct a siding across the Monaghan road to the factory of Henry Hope & Sons in accordance with the plan submitted and that the plan be endorsed, provided that Henry Hope & Sons will consent at any subsequent time to a siding being constructed from this siding across their property between this siding and the southern limit of their property.”

It is clear the construction of the spur is essential to this industry, and under the conditions as set out in the above resolution will be of advantage to other industries that may desire to locate in this district.

I have read carefully the objections set forth in detail to said spur, made on behalf of Mr. John Mervin by his solicitor G. W. Hatton, in letter to the board under date July 30, 1913. The essential points in the said objections are contained in paragraph 2, page 1, and in the last paragraph on page 3 of said letter, namely:—

“I beg to notify you that the said John Mervin objects to the spur or branch line railway being built or constructed through his property as per plan

## SESSIONAL PAPER No. 20c

until his rights for damages for such construction are ascertained and the value of same paid, and the said Mervin submits that this should be done prior to the construction of the said spur or branch line of railway or any part thereof.

"I submit that any order going should provide for the protection of my client's interests."

It having been shown by telegram from E. W. Beatty, general counsel of the C.P.R. on file under date of January 13, 1914, that his company have failed to come to any agreement with Mr. Mervin and that they will be forced to take expropriation proceedings in order to secure the necessary land from Mervin, therefore, the protection asked for, as stated in above quotations from Mr. Hatton's letter for his client, is fully assured to him by the various sections of the Railway Act.

As a result of the objections raised by Mr. Mervin the board has had the situation carefully looked into by one of its engineers. He recommends the approval of the application and plan, and further states that in his opinion it would be to the advantage of the city of Peterborough and the township of North Monaghan. Under the circumstances, I am of the opinion that the public interests are best served by the construction of this spur, and that an order should go under the conditions as set out in the resolution of the Council of the city of Peterborough.

ASSISTANT CHIEF COMMISSIONER:

Order issued accordingly.

January 17, 1914.

LAKE ERIE AND NORTHERN RAILWAY COMPANY, LOCATION FROM BRANTFORD, THROUGH PARIS,  
TO GALT.

Assistant Chief Commissioner:

By order No. 16719, dated 1st June, 1912, the board approved of the location of this railway from lake Erie into Brantford, with a terminus at Colborne street between Clarence and Arthur streets.

The company now apply for a new location from a point at George avenue north-erly and westerly through Brantford to Paris and Galt.

Brantford being a thriving industrial centre, it is quite apparent that it will be in the interests of the city as well as the railway company to have its manufacturing establishments served by this company. There is, however, considerable objection on the part of the residents of Brantford to the proposed location of the railway.

Our sitting at Brantford was especially held in that city for the purpose of enabling the board to examine the proposed location on the ground. After hearing all objections which anyone had to urge, not only to the general location of the railway but to details of construction, the members of the board present spent several hours, together with its chief engineer and representatives of those interested, going over the ground and examining the proposed location carefully.

In addition to pointing out several serious objections to the proposed location, the city of Brantford submitted a plan prepared by its Engineer of an alternative route to the south of the Grand river which would, undoubtedly, do less damage to the city if approved by the board, than the line asked for by the railway company. The city submitted this alternative route as a suggestion merely and stated that it might be that some other alternative route might be found. Our Chief Engineer, Mr. Mountain, was unable however to find any better alternative route than that suggested by the city.

As I have said, the city's alternative location, if followed, would undoubtedly do less damage to the city than that of the railway company; but, there are several serious objections to it. First of all, it would not serve the Homedale District, which is being developed as a manufacturing location; and, secondly, it is objectionable

5 GEORGE V., A. 1915

from an engineering point of view. In referring to it, in his report to the board, our chief engineer, Mr. Mountain, says as follows:—

“This alternate route crosses the Grand River right in the face of a high bank on the north side of the river, which, to my mind, makes this line out of the question. It is a fill of 265,000 cubic yards, a heavy cut, and a high bridge over the Grand River, and another bridge would be required over the Grand river below the Lorne bridge in order to get into Market street, where the Lake Erie and Northern Railway propose putting their station.”

We must, therefore, come to the conclusion that because of the poorer facilities which it would afford to manufacturing industries, and because of the excessive expense of construction, we cannot adopt the alternative location.

Dealing now with the location applied for by the Railway Company; the chief objection to it in my mind is the injury it does to a public park on the north bank of the Grand river, called the “Jubilee Terrace.” This is a beautiful little breathing spot in the centre of the city which we are told many of the inhabitants frequent on a summer evening.

Bearing in mind, however, the importance of this railway to Brantford, I think we must approve of this location, with such conditions for the protection of the park and for other public and private interests that will be affected by it, as we deem proper. The railway company should be allowed to raise Lorne bridge so that its tracks will pass underneath it; details of that work to be submitted for approval of our engineer. The line of railway through “Jubilee Terrace” to have cement or stone abutments at each side; a walk and roadway to be constructed parallel to the tracks immediately adjoining them on the north. The boat house should be moved out to the outside of the outer abutment at a convenient spot, and a suitable permanent foundation to be constructed for it by the railway company. The company should also supply a floating pier, so that pleasure boats which may be taken in or out from the house can at all times be conveniently handled, there should be permanent cement steps leading from “Jubilee Terrace” underneath the tracks of the railway to the boat house. The arm of the Grand River, north of the proposed location, should be filled in by the railway company and dedicated to the town for park purposes. A channel should be cut through the island parallel to the railway company's location and immediately adjoining it on the south, of sufficient capacity to carry the same volume of water which at high water now passes on to the north of that island. The railway company should supply a suitable access to the river front for all property, the approach to the river from which will be cut off by the railway. This access to be in the nature of a farm crossing and to be subject to the same conditions as govern farm crossings under the Railway Act; but, at all places where reasonably practicable, the access shall be by way of subway under the track, or bridge over the track; but, in such cases it shall be for pedestrians only.

The city contends that the Lorne street bridge which is sufficient for its present requirements cannot safely be moved. The company's engineer claims the contrary, and his claim is borne out by the board's engineer. I see no reason why the corporation should be asked to take any risks whatever. The interference is against its wishes. I think it but fair that the company should take all responsibility for the change and thereafter maintain the bridge structure (apart from planking or other surface work) for the term of two years, during which time any weaknesses resulting from the company's work, if any, would become apparent.

There are a number of details with reference to highway crossings and other matters which cannot be disposed of at present; but, an order may go for the approval of the location of the railway from the point of deviation at George avenue, Brantford, as shown on the railway company's plan filed, to Main street, in the city of Galt.

Chief Commissioner Drayton and Commissioner Goodeve concurred.

Orders, carrying out terms of the judgment, issued.



## SESSIONAL PAPER No. 20c

Later, upon its appearing that the railway company was unable to comply with the conditions of the said order, a further order was made, upon the consent of the city of Brantford, authorizing the said city to excavate a new channel of an area of 300 feet wide and 4 feet below mean water, across the island immediately below the Holmedale District, where the railway company has built its embankment across the old channel; and that the material thrown into the river by the excavation of the retaining walls on Jubilee Terrace on the water front, be removed and reinforced at the lock gates entering the canal, as required by the city engineer.

April 18, 1913.

## RE LOCATION CANADIAN PACIFIC RAILWAY COMPANY'S PORT MOODY NORTH SHORE BRANCH.

## CHIEF COMMISSIONER DRAYTON:

This application is made by the Canadian Pacific Railway Company for approval of a portion of its Port Moody and North Shore branch from a point in lot 256 to lot 555, in the district of New Westminster, British Columbia

The application for approval was received by the board on the 16th day of November, 1912. The case was partially heard in Ottawa, when, by reason of representations made by the Burrard Inlet Tunnel and Bridge Company, the Vancouver Westminster and Yukon Railway Company, and different municipalities interested, it was adjourned to be heard in Vancouver, the hearing taking place on the 19th and 20th days of May last.

The location as asked by the applicant company conflicts to a greater or less extent, with the locations of the Vancouver, Westminster and Yukon Railway Company, the Burrard Inlet Tunnel and Bridge Company, and the Pacific, Great Eastern Railway Company.

In addition to this conflict as between incorporated companies, the following municipalities are directly interested, and were represented at the hearing (as well as the companies above mentioned), namely, the city of North Vancouver, the district of West Vancouver, and the district of North Vancouver.

Railway accommodation is necessary for the proper development of the north shore; and railway construction is inevitable. The conformation of the district and property interests now existing are of such a character that the location of more than one right of way along the north shore is objectionable. In my view, while a railway must be built, railway operations should be confined as much as possible to one right of way; and the railway obtaining the location should, when the proper occasion arises, be compelled to grant running rights over its right of way, upon fair terms to be fixed by the board.

Evidence shows the location first approved to be that of the Vancouver, Westminster and Yukon line. Its location was approved as far back as the 13th day of June, 1905, Mr. Craig, who appeared for the company, admitting that, while the company had had dealings with the Burrard Inlet Tunnel and Bridge Company as to the bridge structure, so far as its location was concerned, the said railway company had taken no action since its location was approved, but was still trying to make financial arrangements.

In my view, after such a delay, it would be improper to allow the company, by reason of an approval granted in 1905, to delay the development of the district.

The Burrard Inlet Tunnel and Bridge Company obtained the approval of its location to Deep Cove on the 24th day of September, 1912. At the hearing, the position taken by Mr. Burns, who appeared for the company, was that it was not so much interested in keeping its own location as upon having a location approved that would be built on; and that the desire of the company was to have railways built which would connect with its bridge. The approval already given to that company, therefore, does not in any way complicate the solution of the problem.

5 GEORGE V., A. 1915

The location of the Pacific Great Eastern Railway Company was approved on the 26th day of July, 1912. The company is a provincial one; it is not subject to the jurisdiction of this board; and the approval of its location was given by the proper provincial authority, namely, the Honourable Mr. Taylor of the British Columbia Government. At the time of this approval, the territory was not clear, owing to the previous approval of the location of the Vancouver, Westminster and Yukon Railway, as well as the known projected plans of the Burrard Inlet Tunnel and Bridge Company, and of the Canadian Pacific Railway Company.

Property owners, who were represented by Mr. Wade, Mr. Armour, and Mr. Bond, were particularly anxious that only one railway should be constructed, and that the construction should be, as much as possible off the water lots, so as to give the people free access to the waterfront, and allow the developments of proper dockage and water facilities. The consensus of opinion, both of the municipality and of the property owners, seemed to be in favor of construction on the proposed location of the Canadian Pacific Railway, with the exception of that part of the route which is laid out along Marine Drive, in the municipality of West Vancouver. As intimated at the hearing, in no event would the location have been approved along that drive; and as admitted by the engineer, the company can follow the general lines submitted, without infringing upon the Drive.

The location of the Pacific Great Eastern Railway Company was quite satisfactory to those who owned no water lots, and were desirous of obtaining railway facilities for property that they wished to develop apart entirely from any water front feature. Those owning water lots objected strongly to its location, Mr. Armour pointing out that, at that point, where his clients were particularly interested—between stations "D" and "C" on the map—the location suddenly swung out into the water, so as to destroy property which consisted of water lots, dock properties, etc.

Mr. Lawson, the reeve of West Vancouver, while very fairly admitting the necessity for the railway, strongly objected to the location, because he was extremely anxious to save the waterfront, stating that the municipality was willing to go as far as to afford the Pacific Great Eastern Railway Company a right of way on a street the municipality had laid out, in order to get the railway off the waterfront as far as possible.

If all the different companies were under the jurisdiction of the board, approval would be given of that line which in our view would create the least damage and at the same time permit of proper public service; and, under the circumstances, I thought the matter was of sufficient importance to take up the question with the provincial government.

I am impressed with the merits and necessity of the bridge scheme and think that connection with that bridge should be had by both the Canadian Pacific Railway Company and the Pacific Great Eastern Railway Company. Plans of the Pacific Great-Eastern Railway Company contemplate no construction in the District of North Vancouver, or at Roche Point, where there are in contemplation large industrial developments which will require railway facilities. On the other hand, to the west, the construction of the Canadian Pacific lies within the District of West Vancouver, while that of the Pacific Great Eastern calls for the construction of a railway of some 450 miles in length to Fort George.

Under these circumstances, and bearing in mind the further fact that the latter company has agreed to give an electric service to the residents of the north shore, west of the bridge location, my view was and is that the public interest will be best served by allowing the local company to proceed with its work, and by approving in part the plans of the Canadian Pacific Railway Company to the east.

I am pleased to say, that, as a result of a very satisfactory conference with the Premier and the Honourable Mr. Taylor of the British Columbia Government, it has been arranged between our respective tribunals that there will be practically only

## SESSIONAL PAPER No. 20c

one railway right of way along that portion of the north shore in question; and in order that the Canadian Pacific Railway Company may get proper access to the bridge, it is necessary that its location be approved as far west as Hendrie avenue. The board's sanction of the balance to the west is refused.

Doubtless with increased demands and business of the future, it will become necessary that the Pacific Great Eastern Railway and the Canadian Pacific Railway companies will have to obtain running rights, perhaps each over the track of the other, or only one. The time is not ripe to now provide for this, nor are the statutory provisions applicable sufficient.

Despite my desire that only one right of way should be constructed it may be necessary to extend the Canadian Pacific Railway Company's right of way to the west, as a result of difficulties as to running rights. After my interview, however, I have no doubt but that the provincial authorities will co-operate with the board in preventing unnecessary duplication of lines.

I would approve the location asked by the Canadian Pacific Railway Company down to Roche point, where the car ferry is shown on the company's plan.

Mr. Wade appeared for the Belcarry Company and the South Belcarry Company, as well as for private owners concerned in the property affected by the proposed location east of Roche point; and he produced a plan prepared by Mr. Webster, showing the alternative route through this section.

After a personal inspection of the ground, it is, in my view, unnecessary to scrutinize the plan. I am of the opinion that present conditions do not warrant the very expensive construction called for across the north arm of Burrard inlet, and that, in any event, a location resulting in far less property damage, and less expensive to the company, can be secured; and I think that, in the meantime, the company's traffic can be well looked after by the car ferry at Roche point.

Mr. Bond, who appeared for property owners interested in district lot 230, objected to the Canadian Pacific Railway Company's location. A mill has already been constructed; and Mr. Bond advised the board that some large industrial concerns were contemplating the erection of works on the property which would be rendered impossible by the adoption of the plan as laid out.

The original plan called for construction along the water front on both sides of the lot; but now that the location on the shore of the north arm is refused, the whole of that frontage is available. It would have been impossible to throw the line somewhat further back, if the location, as a whole, had been approved; but approval of the line only to the ferry, makes it necessary for the company's trains to have access to the water.

The board's chief engineer has made a careful study of the profile, and has advised me that it is impracticable to swing the line any distance from the water on the inlet side and at the same time make proper ferry connection. Property owners will hold undisturbed their frontage on the North Arm; but the location as laid out on the Canadian Pacific Railway's Company's plan on the Burrard inlet side is approved.

It is beyond all question that, for the proper development of the industries contemplated, railway facilities are required for the property, and that more or less property damages are inseparable from the construction of the railway.

The submitted location from the end of the Port Moody branch, station 182-70, to the ferry dock shown on the east side of the north arm, is also approved.

A good deal has been said to the creation of foreshore rights by order of the board. The matter of foreshore rights is entirely one of title and of the administrative practices of different departments in patenting water lots. The approval by the board gives the railway company no title in any of the property; the title has to be obtained under provisions of the Railway Act.

If property owners have not already obtained patents of their water lots, that is a matter for them to look after either by arrangement with the railway company that,



5 GEORGE V., A. 1915

in selling them their right of way where such right of way abuts the foreshore, the railway company shall not maintain the right, which may or may not be recognized, to apply to the proper department for a patent or by obtaining the patent before parting with their property. If already patented, the water lots are and will remain the property of the land owners; and, in case the severance of their holdings by the construction of the railway line interferes with the use of the water lot held as an adjunct to the shore property, appropriate damages are recoverable under the Railway Act.

Commissioner Goodeve concurred.

Order approving location issued.

June 27, 1913.

RE C. N. R. BRIDGE OVER MOIRA RIVER, BELLEVILLE, ONT.

APPLICATION, city of Belleville, that the Canadian Northern Railway Co.'s bridge over the Moira river be raised four feet.

CHIEF COMMISSIONER DRAYTON:

An application has been made by the city of Belleville that the bridge of the Canadian Northern Ontario Railway Company over the Moira river be raised at least 4 feet; that a subway with headroom of at least 11 feet be constructed under the railway on front street; that the crossing on Pinnacle street be a level crossing paved on each side thereof, and the grade of the approaches thereto not more than 2 per cent; that Church street remain open and a level crossing be maintained thereon, with the grade of the approaches thereto not more than 2 per cent; that an overhead bridge for pedestrian and vehicular traffic be constructed across the tracks of the Canadian Northern Ontario and the Campbellford, Lake Ontario and Western Railways on George street, the north end of such bridge and the approach thereto to extend northerly on George street so as to have as easy a rise as possible from the said George street up the incline and over the top of the said bridge; that Newberry street be made straight, 66 feet in width, well made, properly ditched, and of the best possible grade, and that cars be not allowed to stand within 50 feet of the boundaries thereof; that Foster street be provided with a proper crossing and all safeguards; that provision for the opening of Dufferin street be made; that on the west side of the river Moira a subway be built at the foot of James street for the use of those occupying the sheds and factory to the south, and the other lands which are considerable in extent and suitable for factory purposes; that there be an opening under the said tracks at the foot of Mary street, to enable the city Board of Works to place a main thereon; and have a hydrant on or near the property now occupied; and that there be provision for a level crossing at what is known as the Bridge road, the grade on each side of the said crossing not exceeding 2 per cent.

Application has also been made by the Campbellford, Lake Ontario, and Western Railway Company for approval of its location through the city of Belleville, and, both matters having been heard by the board, they should be considered together.

The location and structures of the Canadian Northern Ontario Railway Company were made with the assent of the city of Belleville, and to some extent as the result of agreements with the city's representatives. No formal agreement was ever entered into between the parties; but the different steps taken by the railway company were discussed fully by representatives of both the city and the company; and the subsequent action taken was in accordance with the understanding arrived at between these representatives.

Under these circumstances, the advisers of the corporation in its present application realized that their application could not succeed, unless it were shown that the railway companies had, in some way taken advantage of the corporation.

## SESSIONAL PAPER No. 20c

It was accordingly alleged that, while the different matters resulting in the construction of the Canadian Northern Ontario Railway were under consideration, the solicitor and clerk for the city of Belleville was in the employ of and acting as solicitor for the railway company in various matters; and that, in consequence, the rights and interests of the applicants were not safeguarded and protected as they should have been, and that the railway company took advantage of this circumstance.

Evidence was given at the hearing in support of the said allegations. Messrs. H. W. Ackerman (formerly a member of the City Council), W. B. Deacon (President of the Board of Trade at the time in question), Alderman Wallbridge, Mayor Wills, and W. B. Mickel (former Solicitor for the City), were called as witnesses on the issue of fraud. They were immediately connected with the transactions between the city and the railway company; but their evidence did not support in any way the charge of fraud or the obtaining of an improper advantage by the railway company.

Mr. Mickel acted for the Canadian Northern in certain matters in which the city was not at all concerned; but he did so with the full knowledge of the council of the city of Belleville. The matter was discussed by that council; and a resolution to the effect that Mr. Mickel should not be permitted to do work for the railway company, was voted down.

After the examination of the witnesses was concluded Mr. Porter, who appeared for the city, very properly stated that he had considered the effect of the evidence offered; and that, in fairness to Mr. Mickel and justice to his clients, he would be unwarranted in further pressing the charge; so he requested to be allowed to withdraw the imputation, and asked the Board not to draw any adverse inferences from the evidence that had been given against Mr. Mickel.

Under these circumstances the only question open to the Board is the consideration of the best solution of the various problems (in view of the present state of affairs), having regard both to the municipality and the railway company.

The first location of the Campbellford, Lake Ontario, and Western Railway Company crossed the tracks of the Canadian Northern Ontario Railway at a point adjacent to Macdonald street, or the eastern limit of Belleville, and then continued in a westerly direction, south of the Canadian Northern and at distances varying from 100 to 250 feet therefrom.

The result of the adoption of this location is to duplicate whatever inconvenience is caused and damage done to the city of Belleville by the Canadian Northern lines. It necessitated two bridges over the Moira river, and created pockets on high-ways between the two tracks.

The location was not opposed by the city council; and, after a formal hearing at Ottawa, it was approved on September 19, 1911, by order No. 15289.

The officers of the board desiring, if possible, to confine the railway tracks and operation to as small a space as possible in the city, directed the companies to consider the question of joint operation within the city limits,—with the result that the Campbellford, Lake Ontario, and Western Railway Company consented to abandon its approved location and to run over the right of way of the Canadian Northern on a track of its own constructed on the said right of way.

The present application of the Campbellford, Lake Ontario and Western Railway Company is for the approval of a plan showing the road practically on the right of way of the Canadian Northern within the city limits.

To my mind, there is no question whatever as to the advisability of approving of this location in the interests of the city of Belleville, as well as in the interests of traffic conditions generally.

Representations were made by the city that flooding has been caused by the construction of the Canadian Northern bridge. Ordinarily speaking, one would suppose that the more piers you have in the river the less chance there is for the water to get away; but it seems quite clear that there were floods in the same locality long

before the construction of the Canadian Northern. The engineers of the board report that, in their opinion, the piers of the Canadian Northern have had nothing to do with the floods in question, which are said to be entirely similar in character to those that previously took place; and I understand that representations are now being made by the city to the proper department for the construction of works which will narrow the river, increase the facility of the flow, and, in the opinion of the engineers, largely do away with the flood difficulties. In any event, the construction of the works of the Campbellford, Lake Ontario and Western Railway Company which consists merely of the lengthening of the piers with the result that no greater surface of pier construction is exposed to the stream, cannot affect the situation one way or the other.

A plan was put in, on behalf of the city, showing the reconstruction of the Canadian Northern tracks from a point approximately 1,500 feet east of Church street to a point 3,500 feet west of James street. The plan calls for the raising of the present bridge 5 feet, which would result in raising the tracks 5 feet on Front street, and 4 feet above the present grade of the railway on Pinnacle street, where the tracks are already 2 feet above the level of the street. This plan was prepared and presented with a view to obtaining a 12-foot subway on Front street, and providing for subways of the same depth on James and Front streets. The city engineer estimated the cost of the work \$22,800. This estimate was carefully checked by the chief engineer of the board, and an independent estimate was made by him with the result that, in his opinion, the cost of the proposed raising of the railway bridge and the other changes necessitated thereby would be \$40,000 instead of \$22,800.

Pinnacle street is traversed by a Grand Trunk shunting track, which provides an important and apparently necessary facility for industries located on its line, and on the water front south of the right of way of the Canadian Northern Railway.

As the matter now stands, a slight further raising of the Grand Trunk track is necessary; and the board has been advised by the representatives of the city of Belleville that the company could operate the said track if it were lifted four feet above its present grade, and would make no objection to the adoption of the city's plan.

On taking the matter up with the Grand Trunk, we find it opposed to the change, on the ground that the lift required by the city's plan would result in placing the Grand Trunk track 5 feet 8 inches above the street level, involve heavy abutment damages, and practically destroy the use of the track, adding that this line, on Pinnacle street, is a very important and useful piece of property, providing the company's only means of access to certain important industries and to the docks at the mouth of the river; and that it will become of more importance in the near future, when the new dock to be constructed by the Dominion Government is completed.

Mr. Biggar, the company's general counsel, states that he has a thorough personal knowledge of the situation, and has no hesitation in saying that if the track were raised to the extent proposed, not only would it be useless for the purposes to which it is now largely devoted, but the damage to adjoining property would be very great indeed; and the board's chief engineer also reports that the raising of the Grand Trunk track as contemplated would result in an unworkable condition, so far as the spur and adjacent team delivery track are concerned.

The adoption of the city's plan would also very largely call for a reconstruction of the Canadian Northern Railway Company's layout in Belleville, to which the city consented, and under the circumstances, would work an injustice to that company.

In any event, I do not think there is a necessity for a subway on James street. There is no traffic to warrant it.

I was of the view, however, that a subway should be ordered near Front street, as recommended by the board's engineer. This recommendation of the engineer was based on the supposition that high water, as shown on the plan submitted, was flood water and not the high water which occurs in the spring and early summer, lasting perhaps three or four months—but merely the height of the temporary flood which would last for a varying period of from two to four weeks.



## SESSIONAL PAPER No. 20c

On this assumption, the engineer was of the opinion that the floor plan of the Canadian Northern Railway bridge could be reconstructed so as to afford additional headroom; and that a subway could be built two feet deeper than the present subway near Front street; but, on receiving further information, as the result of representations made by the city of Belleville, on the question of water levels, he has withdrawn his recommendation; and I think he is right in doing so.

The height of the subway, at best, would be only 11 feet; and if the floor were covered with 2 feet of water for a period of three or four months in the year, it would be very little use to anybody.

The engineer's report is as follows:—

"In my report of June 16, I stated that a subway of about 11 feet in height could be had. I was guided by the profile submitted by Engineer Evans for the city of Belleville, on which he marked high-water level. I took that as the highest water at flood level and figured that it would be dry at ordinary low-water level as shown on his profile; but I find that what he marked as high water is the ordinary summer level of the bay of Quinté; and that being so, a subway 11 feet deep would be flooded the year round. Hence I think a subway at this point is out of the question."

Under the circumstances, I am reluctantly forced to the conclusion that no subway can be constructed, and that the level crossing must remain.

In arriving at this conclusion, I am not influenced wholly by the matter of cost. Over and above this and the fact that the city, rightly or wrongly, consented to the present lay-out, it is quite clear that on the one hand, the subway asked for, if constructed at the best obtainable level, would be of comparatively little use, certainly not so useful as a well maintained and properly protected level crossing; and on the other hand, the adoption of a new railway elevation would likely result in injury to some of the industries now located on the Grand Trunk line, and would disorganize the traffic of the Canadian Northern during the period of reconstruction.

There is no reason why the city should not be allowed to carry its water main across the tracks at the foot of Mary street. The city engineer can take up the exact location with the board's engineer, and the work done under the supervision of the engineering department of the board.

Messrs. Commissioners Mills and McLean concurred.

July 25, 1913.

## RE LOCATION KETTLE VALLEY RAILWAY.

## Mr. COMMISSIONER GOODEVE:

It would appear from the evidence on file with this application that the British Columbia Government having a full knowledge of the facts in connection therewith, including the objections of J. M. Robinson of Naramata, the South Keweenaw Land Company, and others, gave its approval to the revised location—see letter of J. J. Warren, dated April 22, 1913—confirmed by his letters of May 12 and 19 respectively—enclosing copies of letters dated May 7 and 16 from G. H. Dawson, Surveyor General of the British Columbia Government. Also letter dated May 9 from R. A. Renwick, Deputy Minister of Lands of the British Columbia Government.

2. That the Minister of Railways and Canals, also with a full knowledge of all the facts in connection therewith before him, including a memorandum prepared by F. C. Gamble, Chief Engineer of the British Columbia Government, gave his approval of the route map of the revised location.

3. That by section 159, subsection 3 of the Railway Act, this board is limited to 1 mile in any deviation it may make in granting its sanction to approval of route; and in the memorandum prepared by Mr. Simmons, Assistant Chief Engineer of the board, he points out that it would be impossible to develop the distance necessary

5 GEORGE V., A. 1915

to obtain a suitable grade within the one-mile limit. He also gathers from Mr. Gamble's memorandum above referred to that if permission is given by the Government of the province to build the dam it means the abandonment of the railroad; but, if permission is refused to build the dam it does not mean that the irrigation enterprise must of necessity be abandoned.

I am of the opinion, therefore, that approval should be granted and order issue accordingly.

Assistant Chief Commissioner Scott concurred.

December 18, 1913.

RE CANADIAN NORTHERN TUNNEL COMPANY REVISED LOCATION THROUGH RAINVILLE PROPERTY.

APPLICATION of the Canadian Northern Tunnel Company, for revision of location plan through the property of Mrs. H. B. Rainville.

ASSISTANT CHIEF COMMISSIONER SCOTT:

In an application, dated November 25, 1913, the Tunnel Company applied to the board for its sanction and approval of a plan showing a revised location of its tunnel line. The plan, and book of reference, are dated Montreal, July 10, 1913, corrected to November, 1913, and are signed by Mr. Brown, Chief Engineer, and Sir Donald Mann, the vice-president of the company. The only change in the plan which affects Mrs. Rainville is that it shows a desire on the part of the railway company to take the whole of her land instead of a part as indicated upon the original plan. The additional part now shown to be taken is a small triangular piece with an area of 645 square feet. The book of reference on the revised plan shows that the whole land of Mrs. Rainville is to be taken, and not merely an easement as appears to be the case with other landowners in her neighbourhood.

In accordance with the board's usual practice, this plan was referred to the board's engineer to report upon, and in due course, it was recommended by the engineer for the approval of the board. On November 27, 1913, order No. 20899 was issued granting the company's application for the approval of its revised location.

In December, 1913, in view of representations made to the board by Mr. Rainville to the effect that the approval of the revised location might have the result of seriously prejudicing Mrs. Rainville's rights with reference to the property, it was decided to suspend the operation of the order approving of the revised location, and set the matter down for discussion at the sittings of the board in Montreal on the 5th instant.

At the Montreal sittings both parties were represented by counsel and were heard at considerable length. It appears that, some months ago an order was made by the Superior Court of the province of Quebec, pursuant to the Railway Act, granting the company possession of the land upon a deposit being made in court of \$125,000 as security for the payment to the landowner of whatever amount might be awarded to her by arbitrators who were to determine the damage to her property caused by the construction of the tunnel underneath the surface of it. The company had taken possession of the land and partly constructed its tunnel. These expropriation proceedings were taken on the original location plan. It was submitted by the landowner that the approval of the revised location by the board would give the tunnel company the right to discontinue the present arbitration proceedings, withdraw the \$125,000 deposit from court, and leave the land owner in a position where it would be necessary for her to take an action in the civil courts against the company to recover damages for the injuries she had already suffered. It was also contended by the landowner that in the event of the company taking an easement merely, which would give it the right to construct and maintain its tunnel underneath the surface of the land-

## SESSIONAL PAPER No. 20c

owner's property, but leave the fee of the property in the landowner, that she would have difficulty in securing proper compensation for the damage she had already suffered. It was stated by the company's counsel that it was the intention of the company to take the land outright and not merely an easement, and this statement is borne out by the book of reference already referred to which clearly shows that it is the intention of the company to take the land and not merely an easement.

If all the land is taken by the company and its value determined by arbitration, the landowner would, undoubtedly, get proper remuneration for her property and she would not be put to the necessity of taking a separate civil court action to secure compensation for the damages already suffered. It seems to me it will be better for both parties that the tunnel company's present intention of acquiring the fee in the whole of the landowner's property should be carried out. The company has the right under its charter to elect to take an easement or the fee. I think it would not be fair, in view of the representations that have been made to the board, for the company after the revised location had been approved of to change its position and decide to take an easement only. Such action, were it taken by the company, would, I think, seriously prejudice the land owner's position.

In my opinion an order should go approving of the revised location upon condition that the company take the fee in all the land of the landowner.

Messrs. Commissioners McLean and Goodeve concurred.

Order issued accordingly.

January 22, 1914.

## RE T. H. AND B. CO.'S ENTRANCE INTO CITY OF HAMILTON, ONT.

APPLICATION of the Corporation of the City of Hamilton, Ont., under Section 237, for Order compelling the Toronto, Hamilton and Buffalo Railway Company to abandon its entrance into the City via Hunter street and adopt, in conjunction with the G.T.R., and the C.N.O.R., a common location in the north end of the city.

The application was originally heard in Hamilton on the 10th day of October, 1913, at which counsel for the city and the respondent company were present.

Objection was taken that the board was without jurisdiction to make the order applied for.

The board decided that it had power to entertain the application, and hearing was delayed upon the merits to enable the railway company to appeal to the Supreme Court upon the question of jurisdiction. Later the respondent company refused to perfect the appeal, and the board decided that, as the questions involved were questions of law, although dealing with the matter of jurisdiction, it had the power to and would reserve a case for the opinion of the Supreme Court.

The submission of the counsel for the railway company was that as only the question of jurisdiction was raised, it was not competent for the board of its own motion to take the opinion of the Supreme Court upon it.

Oral judgment delivered by Chief Commissioner Drayton, at the hearing, February 17, 1914:—

It seems to me impossible to say that a question of jurisdiction is not a question of law.

In the first instance, the scheme of the whole Act has to be borne in mind in dealing with the appeal, the object of the Act being the consideration of arriving at finality as speedily as may be and limiting appeals as much as possible without the leave of the board; and so it is that section 54 declares that a finding or determination of the board upon any question of fact within its jurisdiction shall be binding and



conclusive. Section 55 is probably the section which Mr. Cahill relies upon. Under this section, the board may of its own motion or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case in writing for the opinion of the Supreme Court of Canada upon any question which in the opinion of the board is a question of law.

A distinction is drawn—and this distinction, of course, gives point to the objection raised—by subsection 2 of section 56 and by subsection 3 dealing with the other matters, between matters of jurisdiction on the one hand and matters of law on the other, in so far as the right of appeal is concerned, subsection 2 giving an absolute appeal from the board to the Supreme Court when allowed by a judge of the Supreme Court on a question of jurisdiction, while under subsection 3, so far as concerns any question of law, an appeal does not lie in the same way; it can be taken only upon a question which in the opinion of the board is a question of law, and after the leave of the board has been obtained.

The result of the legislation is that the board's decisions on matters of fact are absolute; and that, unless the board in its discretion grants leave, its decisions on questions of law are also binding and conclusive, except in so far as questions of law determining the jurisdiction of the board are concerned, in which case an appeal may be allowed by a judge of the Supreme Court. Over and above all this, of course, there is the right of appeal to the Governor in Council, which, however, is not material in the consideration of a distinction such as that now sought to be made.

I think it is absolutely impossible to distinguish between jurisdiction and law except to this extent, that jurisdiction is a question which is related to a legal issue having the matter of jurisdiction for its consideration; it is nevertheless a question of law, just in the same way as tenure of land or anything else is a question of law—it is a matter of law applied to one particular object.

Jurisdiction in my view, as applied to courts, merely means the legal power of hearing and determining controversies, the constitutional legal power to take cognizance of and decide cases according to law and to enforce findings. In other words, the right of exercising the functions of a judge or a legal tribunal. As the derivatives of the word import, it is the law declaring or speaking. I am of opinion that it is impossible to say that a question of jurisdiction is not a question of law.

In the application of the question to the points at issue in this case, which calls into question the effect of certain portions of the statutory law as contained in the Railway Act and in the private Act, it cannot be said that these matters are not legal questions, although they undoubtedly are, at the same time, questions dealing with the matter of the board's jurisdiction.

To my mind, the result of the statute is not to change the characteristic of the question of jurisdiction from one of law to a bare question of fact, but to distinguish among different questions of law which may arise, by limiting the right of appeal to questions of law which involve the matter of the jurisdiction of the board.

The jurisdiction of the High Court of Justice to decide questions of law upon appeal or otherwise under the Parliamentary Elections Act, 1868 (Eng.), or any Act amending the same, which was declared by section 14 of the Judicature Act of 1881 to be final and conclusive, unless in any case the High Court gave special leave to go to the Court of Appeal, was considered in the case of *Shaw v. Reckitt* (1893), 2 Q. B. 59.

In this case, an order for the amendment of an election petition under section 40 of the Corrupt and Illegal Practices Prevention Act of 1883, was made by a judge sitting in Chambers who was not on the rota for the trial of election petitions. The order was rescinded by the High Court, on the ground that the judge had no jurisdiction to make such an order. On appeal to the Court of Appeal, it was held that the question so decided—that is, the question of jurisdiction—was one of law within the meaning of section 14 of the Judicature Act, 1881, and consequently that no appeal lay to the Court of Appeal without leave.

## SESSIONAL PAPER No. 20c

So I propose to follow what was done by the late Chief Commissioner, Mr. Justice Killam, in the Essex Terminal Case, where he submitted direct questions on jurisdiction in a stated case, asking for example, the following questions:—

Whether the Board of Railway Commissioners had jurisdiction prior to the 20th July, 1907, to make the orders above complained of.

Whether the Board of Railway Commissioners had power to refuse to set aside its order so complained of.

Whether the Board of Railway Commissioners might then lawfully authorize the Windsor & Essex Company so as to maintain, etc.

Whether the order proposed to be made by the board, as aforesaid, was one which, in the exercise of its discretion, the said board had power to make.

These questions were considered and answered by the Supreme Court; and no objections seem to have been taken to the stated case.

The parties will be given one week within which to submit any suggestions they desire to make as to the form which the questions to be submitted by the board for the opinion of the Supreme Court should take.

MR. COWAN: It struck me at the moment that it was only such a case as this that was contemplated by the Act, and that the board would submit a case for the opinion of the Supreme Court.

THE CHIEF COMMISSIONER: In a matter of this kind, where both of you say we are wrong and both of you say we are right, and neither of you wants to appeal, it would seem to be proper for the board to submit a case.

MR. COWAN: Very well. Then, what, in your opinion, should we submit to the board?

THE CHIEF COMMISSIONER: The form of the case to be stated. The solicitor for the railway company will be written to and asked to put in the same thing; and we will consider the form when your submissions are received. It will not be necessary to speak to the matter again.

MR. COWAN: No.

THE CHIEF COMMISSIONER: The case of the Essex Terminal Railway v. Windsor, Essex and Lake Shore R. R. Co. will be found in 40 S. C. R. 620.

## RE SOME FARM CROSSINGS ON THE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RAILWAY.

ASSISTANT CHIEF COMMISSIONER SCOTT:

On Thursday, the 17th instant, Commissioner Mills and I visited the location of the railway to examine farm crossings over the tracks of the railway.

In dealing with incidents in connection with the construction of this railway, I think we should bear in mind that it is being constructed through an old and well settled portion of the province of Ontario, which is now well provided with railway facilities, and that there is no public demand or necessity, so far as the inhabitants in the immediate vicinity of the railway are concerned, at any rate, as regards the construction of the railway. The circumstances are very different from those which we usually find in connection with the construction of a railway in a new territory, like the Prairie Provinces or British Columbia, where railway facilities are urgently needed to open and develop the country.

The portion of line we examined in the county of Durham runs through a fine, well developed agricultural area. The land being of a rolling nature, there are many cuts and fills on the line of the railway; and it seems to me that, under the circumstances stated, the company should, whenever the ground lends itself to a separation of grades, provide a farmer with a bridge or an undercrossing, to enable him to get from the front to the back portions of his farm without the inconvenience and danger of a level crossing. It may be said that a landowner can be compensated in money for the location of a line of railway through his property; and possibly that is true in

5 GEORGE V., A. 1915

some cases; but it is extremely difficult to determine what amount of money would adequately recompense a man for the danger, inconvenience, and extra labour involved in constantly crossing and driving live stock to and fro over a railway on his farm.

I therefore think that the Campbellford, Lake Ontario and Western Railway Company should construct bridges and an undercrossing instead of grade crossings on the farms hereinafter referred to. I know that these, in most cases, will cost the railway company more money than grade crossings would cost, but I cannot see why, in such cases, farmers should be made to suffer simply to enable a company to construct a cheaper line of railway.

*First.*—The cases of A. A. Colwill, J. Richard, and T. Penfound.

The railway crosses Mr. Colwill's farm in a cut of considerable depth, extending for some distance on each side of his farm lane, which he has used for years past to go from the front to the back end of his farm. Mr. Rickard has had a farm lane running from the front to the rear of his farm, used many years for farm purposes. This lane is now severed by a cut over twenty feet deep, and if the cut is not spanned by a bridge, he can reach the rear part of his farm only by using a portion of his land for a long diversion of his lane down a somewhat steep hill and up the said hill on the opposite side of the railway; and, if the diversion is made, he will have to haul manure to, and his firewood with all the crops grown on, the rear portion of his farm, down or up the hill in question, and run the risk of driving his live stock to and fro over a level crossing at the mouth of a deep cut, three or four times a day in the case of milch cows, and all animals which would have to cross the railway for water. Mr. Penfound's case is precisely the same as that of Mr. Rickard, except that the cut across his lane is a couple of feet deeper and the hill quite a bit steeper.

In my opinion, the railway company should construct bridges at these three crossings.

In Colwill's case, the crossing should be made so that the middle of the bridge will be midway between two rows of apple trees on the south side of the cut, somewhere between 100 and 200 feet east of the present lane, as may be agreed upon between the parties. In the case of Rickard and Penfound, the bridges should be opposite the existing lanes.

*Second.*—The case of Mr. R. R. Stevens, lot 16, concession 1, township of Darling-ton.

The railway will be ten or eleven feet over the lane running from the front to the back of Mr. Stevens' farm. He has offered to take an undercrossing with a 10-foot clearance; but the company insists that he should climb a steep hill and take a level crossing at a point suggested by it.

I think Mr. Stevens' application should be granted giving him a proper undercrossing 15 feet wide with 10-foot headroom.

Therefore in brief, I may say that, in my opinion, orders should go for separation of grades as above at the four farm crossings in question.

Commissioner Mills concurred.

Ordered accordingly.

April 21, 1913.

RE C. L. O. AND W. RY. CROSSING FARM OF W. S. PROVINS, KINGSTON, ONT.

In re the complaint of W. S. Provins, Kingsford, Ont., in reference to the matter of an agreement between him and the Campbellford, Lake Ontario and Western Railway Company, regarding crossings over the railway on his farm, alleging that when he made the said agreement he was not aware that there was to be an 8-foot cut through the centre of his farm, which cut will, he says, interfere more or less with the view from each of the proposed crossings at opposite sides of the farm.



SESSIONAL PAPER No. 20c

MR. COMMISSIONER MILLS:

Regarding the matter of this complaint, I beg to state that, in my opinion, when a farmer is asked to accept a crossing at one side of his farm, some distance from the main lane through the farm, he should be provided with a 20-foot lane on each side of the railway, leading from his main lane to the crossing placed on the side of his farm to avoid expense to the railway company.

So, after a personal inspection of Mr. Provins' farm and the proposed grade crossings thereon, in company with the Assistant Chief Commissioner, I think two grade crossings should be given him as agreed; and, in order to avoid the purchase and fencing of lane diversions to two crossings on opposite sides of the farm, one of the said crossings should be, not at the west side of the said farm, but in line with his main lane through the farm, and be constructed in accordance with the "Regulations of the Board Regarding Farm Crossings," issued on the 17th January, 1910,—with emphasis on section 1 (b) and section 3 of the said regulations; and the other as proposed, at or near the eastern boundary of lot 3, which latter crossing—to be used chiefly for live stock—can easily be made at very small cost.

The crossing on lot 4 to be at a point to be agreed upon between the railway company and the owner of the land.

Assistant Chief Commissioner Scott concurred.

Ordered accordingly.

May 16, 1913.

RE C. N. O., RY. CROSSING FARMS OF J. J. STINSON AND ROBERT MOORE, TP. NEPEAN, ONT.

In re the application of the Canadian Northern Ontario Railway Company for authority to construct under-crossings at stations 667-80 and 668-10, on the farms of J. J. Stinson and Robert Moore, respectively, lots 11 and 12, concession 2, township of Nepean, county of Carleton, Ont.

MR. COMMISSIONER MILLS:

Mr. Moore objected to the location of the crossing at one side of his farm on the ground that it would be inconvenient for him and would involve him in considerable unnecessary expense in the handling of his live stock and the working of a portion of his farm; and he applied to the board for an order directing the company to construct his crossing in line with the main lane, or farm road, running from his buildings through the farm to a level crossing over the Canadian Pacific railway.

The case was heard at Ottawa on the 6th May, 1913, and was reserved for further consideration before final action by the board.

The location of the proposed crossing at one side of Mr. Moore's farm, some distance from the main lane running from his buildings through the farm, is the least expensive location for the company; but it will undoubtedly be inconvenient for Mr. Moore and will force him to spend more time and pay more for labour than would be necessary if he were allowed to go by the direct route, along the main lane through his farm, as hitherto. It should, however, be borne in mind that the company has voluntarily offered to give Mr. Moore a farm subway of the regulation width of 15 feet. By such a crossing, danger will be avoided and Mr. Moore's inconvenience and his extra expense will be less than they would be, if he had to use a grade crossing on any part of his farm; so I think the matter may be equitably arranged by authorizing the railway company to construct the said undercrossings on the location applied for, on condition that it provide, for Mr. Moore's use, a 20-foot lane, on the north side of its right of way, extending from his undercrossing to the main lane, or graded road,

which runs through his farm to a level crossing over the Canadian Pacific railway: and my opinion is that the matter should be disposed of by an order to that effect.

May 23, 1913.

Assistant Chief Commissioner SCOTT:

When Mr. Moore was paid for land and damages, it was admittedly with the understanding that he was to put up with the inconvenience and danger of a level crossing at a grade 5 feet high and the company having increased the grade so as to make a level crossing impossible, has offered to give him, at large expense, 400 feet from his main farm lane, a 15-foot undercrossing of the regulation height, which, in the opinion of the board, places Mr. Moore in a better position than he would be with a grade crossing in line with his farm lane, or at any other point on his farm.

Therefore, after due consideration, the board has concluded that the offer of the company is a reasonable one; and that an order should go approving of the construction of a subway at the point shown on the plan, and in accordance therewith.

Commissioner McLean concurred.

Order issued as applied for.

May 31, 1913.

RE CATTLE PASS—JOHN SCISSONS, TP. MARCH, ONT.

Complaint of John Scissons, South March, Ont., relative to refusal of Canadian Northern Ontario Ry. Co. to provide a cattle pass on his property on Lot 11, Con. 3, Tp. of March, Ont.

Heard at Ottawa, June 4, 1913.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing:

It appears that, when the agreement was made to sell the land to the railway company, it was pointed out by the company's agent that the landowner could not have a cattle pass. It looks to me as if the railway company's agent was right; that as things appeared there could not be a cattle pass. I am not now sure that the opening which the applicant wants with a head room limited to four feet, six inches, will be enough. However, that is what he is willing to take; and without disturbing the existing agreement between the landowner and the railway company, the board feels disposed to let the landowner go on and do this improvement himself at his own expense and take it for what it is worth. It will be subject to supervision of the railway company.

Mr. ARMSTRONG: We will be satisfied with that.

THE ASSISTANT CHIEF COMMISSIONER: I do not think an order will be necessary. Mr. Temple, you will see that your sectionman lets him go on there and dig it out for himself?

Mr. TEMPLE: Yes, sir.

RE FARM CROSSING—E. GOOD, TP. NEPEAN, ONT.

Application Canadian Northern Ontario Ry. Co. for approval of plan of farm crossing for Mr. E. Good, Lot 5, Con. 6, Tp. of Nepean.

Assistant Chief Commissioner SCOTT:

This matter came before the board at our sittings at Ottawa on the 4th June; and, although the majority were of the opinion that the request of the landowner for a farm crossing at the points "A"—"A" shown on the plan on this file should be granted, we nevertheless felt that as the evidence was not very clear, it would be of

## SESSIONAL PAPER No. 20c

advantage if an inspection on the ground was made before an order was issued. An inspection of the locus in quo was made by two members of the board yesterday.

Mr. Good has 100 acres of land, consisting of a long narrow strip about 675 feet in width adjoining a side road. The railway line cuts off the southwest end of the farm, leaving a triangular corner containing about 2.71 acres cut off from the rest of the farm. To get from one portion of his farm to the other across the railway track, Mr. Good wants a farm crossing parallel to and adjoining the side road. The railway company suggests that, instead of constructing the farm crossing, it should put gates from the two portions of the farm leading on to the highway and build an approach; so that Mr. Good instead of crossing the railway by means of a farm crossing should go out on to the side road, cross over the tracks on the highway and turn back in again to his property on the other side of the track.

Mr. Good has two objections to the railway company's suggestion: One is, that in driving cattle from one side of the track to the other, if he had to use the highway, he would not have the gates which are found at farm crossings to control the movement of the cattle until he had an opportunity of seeing that the track was clear; and the other one is, that the grade of the highway is considerably higher than the portion of his property east of the track; and that it would be difficult, inconvenient, and dangerous for him to drive out of his field up the grade of approach to the crown of the highway. I think the first objection of the landowner is a good one; but, the other objection about driving up on to the highway, I think could be overcome by the railway company constructing an approach from the field to the highway which would fan out at the highway; thus giving an opportunity for a team of horses with a heavy load to be turned in the direction in which they were to go before the crown of the highway was reached.

In the view I take of this matter, I think the wishes of the landowner should prevail. The obligation of the railway company to provide him with a farm crossing is contained in the first paragraph of section 252 of the Railway Act which read as follows:—

“Every company shall make crossings for persons across whose land the railway is carried, convenient and proper for the crossing of the railway for farm purposes.”

This is a direct obligation placed upon the company by the Railway Act to provide Mr. Good with a farm crossing; and, unless by contract or otherwise the landowner relieves the company from this obligation, I think the company should discharge the obligation. The method suggested by the company, giving the landowner a way from one part of his farm to the other across the railway, is not considered convenient or proper by the landowner; and I think his position is well taken.

As to the exact location of the company's right of way where the farm crossing should be constructed, I am of the opinion that the point at which Mr. Good has asked for a crossing, which is indicated by the letters “A”—“A” on the plan, is the proper place; because Mr. Good will then be able to use his boundary fence as one of the fences to a lane leading to the crossing, if at any time he decides to construct a lane on his property.

I think, therefore, an order may now issue in accordance with the oral judgment pronounced at the hearing, which we now confirm.

Commissioner Mills concurred.

June 14, 1913.

Mr. Commissioner McLEAN:

I do not feel that I can add anything to what I said at the hearing. I have since seen the situation on the ground, and do not see any reason to change the opinion I expressed at the hearing.

Order in accordance with judgment of Assistant Chief Commissioner Scott, issued.



RE CATTLE PASS UNDER C. N. R. RY.—WILLIAM AND ROBERT WILSON, TOWNSHIP WESTMEATH, ONT.

Application of Wm. and Robert Wilson for a livestock or cattle pass under the Canadian Northern Ontario Ry. on Lot 26, Con. "B," Tp. of Westmeath, county of Renfrew, Ont.

Mr. Commissioner MILLS:

The board has had much difficulty in settling disputes between farmers and railway companies regarding the construction of live stock and cattle passes under railways. It had to dispose of half a dozen such cases at a recent hearing in Toronto; and it frequently has as many as four or five written appeals in a week.

Hence it may not be amiss to discuss the situation briefly in connection with this case.

*Injury to property.*—With a view to promoting the public interest, Parliament has gone a long way and incurred serious responsibility in authorizing companies to construct railways through farms, orchards, and buildings in almost any direction they think proper, and compelling farmers to submit thereto.

No one who realizes what is involved, will buy a farm crossed by a railway, unless at a very considerable reduction from the price of similar land in the locality.

By the construction of a railway across his land, a farmer is done an irreparable injury. He may be compensated to a certain extent, but, under normal circumstances, he cannot be adequately paid for the injury done to his property.

Hence the contention, however honest it may be, that a farmer should accept, for the portion of his land taken by a railway company, something near the average price per acre of land in the locality, is manifestly unwarranted.

*In re live stock.*—Cattle and other farm animals are in the fields during about seven months of the year—say from the middle of April to the middle of November—in which months there are 182 working days.

Except in rare instances, women and children cannot safely drive live stock over a railway crossing at grade. Animals often turn right or left, and run along the railway track or the grass-covered bank on one side or other of the track. A man is required for the work.

During the seven busy months, the hired man on a farm is working a team at least two-thirds of the time—say two-thirds hauling out manure, ploughing, cultivating, harrowing, drilling, rolling, mowing, reaping, hauling in hay, hauling in grain, cultivating fallow ground, hauling firewood, etc. During the remaining third of the said months, he is employed at other work, without a team—repairing fences, cutting weeds, threshing, turning and piling manure, cleaning threshed grain, cutting firewood, etc.

Thus it appears that the man in question has to drive the live stock on the farm across the railway during seven months of the year, six times a day in dry, hot weather (when it is necessary to water animals morning, noon, and evenings, but usually only four times a day—cows to be milked and all live stock (horses, steers, cows, and smaller animals, young and old) to be watered, unless there is a constantly available supply of water on both sides of the railway.

Common labourers are paid 25 cents an hour, or at the rate of \$2.50 for a ten-hour day, in Toronto and Ottawa; and the hired man on a farm costs the farmer—money, board, and lodging—at least 20 cents an hour, or \$2 for a ten-hour day.

A wagon with a team is paid 66½ cents per hour, or \$6 for a nine-hour day, in Toronto; and 58.89 cents per hour, or \$5.30 for a nine-hour day in Ottawa.

It is, therefore, well within the mark to say that a man and a team are worth 40 cents per hour, or \$4 for a ten-hour day, on a farm.

## SESSIONAL PAPER No. 20c

The man with his team turns out at 7 a.m.; and a short time afterwards he has to leave his team in the field for at least half an hour, to drive the live stock across the railway and drive them back as soon as they are watered. He has to do the same thing before six o'clock in the evening; and, even when there is available water on both sides of the railway, he must drive the cows home to be milked and take them back after milking, morning and evening. An hour per day is thus spent by the man for two-thirds of seven months, or 120 working days, during which hour his team is idle; and for one-third of seven months, or sixty working days, when he is working without a team.

So, however the farmer may arrange matters, he has to have his man, with or without a team, leave his work morning and evening, for at least half an hour each, to drive the live stock to and fro across the railway, which, in brief, means as follows:—

Time of man and team one hour per day for 120 days during which hour his team is idle), at 40 cents per hour, amounts to . . . . .	\$48 00
Time of man alone one hour per day for sixty days at 20 cents per hour amounts to . . . . .	12 00
Total per year . . . . .	<hr/> \$60 00

No account being taken of Sundays or mid-day watering in dry, hot weather, which may be taken as offsetting occasional days when the team in question will be idle because of rain or a drive away from the farm.

It requires \$1,200 at 5 per cent to yield \$60 a year; and hence a railway company should, I think, be willing—even anxious—to give a farmer an adequate livestock or cattle pass under its railway wherever it is possible to do so, even by going two or three feet below ground level, in order to avoid damages under this head.

I may add that the above estimate does not take into account the inconvenience, loss of time, and everlasting annoyance caused by the opening and shutting of two gates every time a team is driven across the railway—it may be ten or more times a day during portions of haying and harvest.

The application in the Wilson case is made on the ground that when the right of way agent of the railway company asked William Wilson, one of the two brothers, what he wanted for the right of way through his farm—it being assumed by both parties that a crossing over the railway “covenant and proper for farm purposes” (as set out in the Railway Act) would be provided by the company—the said William Wilson answered in the presence of his brother Robert, that he wanted \$500 and a cattle pass; and that the said agent replied that the fill, or dump, where a cattle pass for both farms would be required, being only 6 feet or thereabouts, no cattle pass could be constructed, but that he would furnish grade-level crossings and give each of them \$500 cash.

It turns out that the fill in question is 7·8 feet “sub-grade” (as stated in a letter written by Mr. Temple, and assistant solicitor for the company, on May 22, 1913,) or nearly 10 feet from ground level to top of rail. Hence the appeal for a cattle pass.

The right of way agent denies the statement attributed to him by the Wilson brothers,—that the height of the fill across their property would not exceed 6 feet or thereabouts; and Mr. Temple wrote that, in the case of Mr. R. Wilson, Mr. Barbour, on one occasion, was present with Mr. Barchfield, the said right of way agent, and explained to Mr. R. Wilson, personally, the height of the fill; but Mr. R. Wilson, in a letter written on the 13th September, 1913—three days before the hearing of the case—replied, that Mr. Barchfield, the right of way agent, in answer to a question had told him that the fill where the cattle pass was desired would not exceed 6 feet or thereabouts; and that the dump which Mr. Barbour, in company with Mr. Barchfield explained to him, was across a highway which he wanted Mr. R. Wilson to accept

instead of a crossing on his farm; and, on examination at the hearing, Mr. Barbour admitted that the fill which he had discussed with Mr. R. Wilson was across the highway and that the height which he had mentioned was "sub-grade", or about 2 feet less than the actual height from the ground level to the top of the rail.

Mr. Temple maintains that the \$500 paid to each of the applicants was to cover the right of way and all damages; but he admits that there is nothing on record to show that there was any agreement or understanding to that effect.

Mr. Temple also calls attention to the fact that he has looked up the company's right of way files, and has found that it has closed purchases for right of way lots immediately in that neighbourhood, as follows:—

E. Delaney, N. $\frac{1}{2}$ lot 27, 3.04 acres.. . . .	\$450
A. Carnegie, S. $\frac{1}{2}$ lot 27, 2.96 acres.. . . .	500
Geo. Thrasher, lot 26, 1.93 acres.. . . .	150
Jas. McDonagh, S. $\frac{1}{2}$ lot 24, 2.93 acres.. . . .	450
J. R. Davidson, lot 23, 1.81 acres.. . . .	150

It should, however, be borne in mind, that there is a great deal of rock in that part of the country, and Mr. Temple has furnished no information as to the character of the land in any of the above cases, while Mr. William Wilson, at the hearing of the cases, alleged that in most, if not all, of the cases referred to the land was rocky, and, in some instances required considerable cutting,—adding that the land which the company is crossing on his farm is first-class, and that if the company will go some distance further north on his farm, he will give it a right of way for nothing.

The height from ground level to top of rail being nearly 10 feet, there should be no difficulty about drainage; so, considering the facts admitted and the statements made as above, I think it is clearly a case in which, as already intimated by the board, a livestock pass should be constructed on the line between the two farms in question, wide enough to allow cows and horses to pass one another when they happen to meet in the passage (say 6½ feet in height by 6 feet in width); and that the company should be authorized to arbitrate the matter, if it thinks it has paid the applicants too much for the land taken and the damages resulting from severance, with the inconvenience and loss of time caused by the opening and closing of gates in driving across the right of way,—apart from the use and benefits of a live stock pass.

September 23, 1913.

Assistant Chief Commissioner SCOTT:

I agree with Dr. Mills that there should be a cattle pass constructed on the line between the farms of William and Robert Wilson; but, only on the conditions that within two weeks from the issuance of the order the landowners pay back the money they received from the railway company; and, that if the parties after the construction of the cattle pass are unable to agree de novo on the compensation to be paid the landowners, it should be determined by arbitration under the Railway Act.

September 24, 1913.

Mr. Commissioner McLEAN:

I agree with the recommendation as to the construction of the cattle pass, and on the condition as set out by the assistant chief commissioner. Each application for a cattle pass must of necessity be dealt with as a question of particular facts. It is impossible in such a matter to lay down hard and fast rules. The present application is one which is determined on the facts peculiar to it.

In so far as the positions laid down by Commissioner Mills imply that there are additional damages, as set out, for which compensation should be rendered, I am unable to agree. What may be considered by arbitrators acting under the Railway Act is fully established. The board has no power to go beyond the Railway Act, or to say that in addition to compensation for the land taken and the damages arising



SESSIONAL PAPER No. 20c

from severance additional factors should be considered bearing on additional damages to be awarded. It is sufficiently clear that the Railway Act contemplates full compensation for the land taken and the damages arising from severance.

Commissioner Goodeve concurred.

September 24, 1913.

Mr. Commissioner MILLS (postscript):

Referring to the last clause in Commissioner McLean's judgment, I may say that I am entirely in accordance with his statement that "the Railway Act contemplates full compensation for the land taken and the damage arising from severance"; and all I intended in that part of my judgment dealing with live stock, was a brief discussion of a portion of the damages which result from severance when a cattle pass in not provided.

September 26, 1913.

RE FARM CROSSING—H. RAY—TP. MARCH, ONT.

Application of Henry Ray for farm crossing under the tracks of the Canadian Northern Railway, in the township of March.

Assistant Chief Commissioner SCOTT:

Henry Ray applies to the board for an order directing the railway company to give him an undercrossing through a trestle which carries the track across Ray's farm. At the point where Ray wants the opening in the trestle left, there is a clear opening from the ground to the supports underneath the rails of 14 feet. I have visited the location. There was at the time an opening through a trestle which was being used for a farm crossing, and which in all probability would be left open for eight or ten years, during the life of the timbers.

The railway company's answer to the application is that the applicant agreed with the company to take a level crossing. The agreement, which is dated April 27, 1912, and signed by Mr. Ray is as follows:—

"The undersigned being the owner of part of lot 25 in the 3rd concession of the township of March and county of Carleton hereby agrees to sell and convey to the Canadian Northern Ontario Railway Company, in fee simple, free from all encumbrances, with immediate possession from this date, so much of the said lands and appurtenances as may be required by the company for the right of way and other requirements of its railway, as shown on plans thereof deposited, or to be deposited, in the registry office for the said county at \$1,175 (eleven hundred and seventy-five dollars) lump sum including all damages for severance or depreciation. The above sum includes the extra land required to extend the grade for farm road outside of right of way. Fences to be returned to the culvert in order to allow cattle to pass through to have one level farm crossing at or near the present farm road.

Money to be paid in sixty days.

The undersigned acknowledges that no verbal promises have been made to him by the agent."

The agreement was signed before the railway was constructed across Mr. Ray's property. I do not know whether he was shown a plan or not; but, I think it can be assumed that at the time the agreement was made, he did not understand the nature of the work the company contemplated doing on his farm. Mr. Ray appeared at the hearing and did not impress me as being a man who would be a match for the astute right of way agent of the company who made the bargain with him. A disinterested witness told us at the hearing that the bargain was made in a hotel at Ottawa; that

5 GEORGE V., A. 1915

Ray had been drinking, and, in his opinion was not in a fit condition to make an agreement.

After visiting the location of the company's tracks across Mr. Ray's farm, Mr. Mountain, chief engineer of the board, made the following report:—

“In accordance with instructions of the board I accompanied Assistant Chief Commissioner Scott and Commissioner Goodeve to South March in connection with Henry Ray's crossing.

This man has a fill across his farm anywhere from 15 to 20 feet. There is a permanent trestle across most of this at a height of at least 15 feet over the ground. The proper method of crossing is by an undercrossing at the west bend of the permanent trestle, which should be a permanent undercrossing. No other crossing should be considered.”

Section 252 of the Railway Act places the obligation of the company of supplying a farmer whose land is crossed by the railway with a crossing which is “inconvenient and proper for the crossing of the railway for farm purposes.”

At the time I visited the farm of Mr. Ray, the railway company was constructing a ramp to carry a farm lane up over the railway tracks on the level. According to a plan submitted by the railway company the grade on this ramp was to be 1 in 12; and, on the east side from the centre of the track to the point where the ramp would run out it is nearly 200 feet long, and crosses over a creek before reaching the tracks. I do not think such a crossing could ever be considered convenient and proper for farm purposes.

The width of the roadway, which the railway company proposes to build upon to the level crossing is about 8 feet. Too narrow for a farm wagon to turn upon it. There would be no escape for a man who had started up that ramp towards the track if his horses became frightened at a passing train. The board, by general order No. 55, issued regulations requiring a railway company to submit plans of all farm crossings to the board where the height of the embankment was 11 feet or over. This regulation of the board was not complied with by the railway company in the present case.

Were it not for the agreement, all the circumstances in this case point strongly to the conclusion that the undoubted duty of the railway company in this case was to have given Ray an undercrossing. Counsel for the railway company frankly admitted at the hearing that it was the policy of the company in all cases to endeavour to save itself from having to give a farmer an undercrossing. That was undoubtedly the principle that the railway company followed in the present case; because I think the company paid Ray more than his land was worth; and, it is fair to assume, that in paying him the amount it did, it realized it was being relieved of an obligation placed upon it by the Railway Act to give him an undercrossing.\*

The board is, of course, not bound by a contract which a railway company and an individual may enter into, if it appears to us to be in contravention of the Railway Act; or, for other well defined reasons recognized by the courts of the province, it should be considered void or voidable. Nevertheless, I very much dislike interfering with an agreement if it had been fairly entered into by both parties. In the present case, if justice can be done to both the railway company and Ray, I think the agreement should be ignored. Our duty is, to see that the Railway Act is followed and that this farmer is given a convenient and proper crossing.

The opening through the trestle, for an undercrossing actually exists to-day and has in fact been used; and, if the railway company can be put back in the position that it was in before the agreement was made, I think it should be ordered to provide Ray with a permanent undercrossing. I think an order should go for such a crossing, on condition, that within thirty days Ray gives to the railway company a satisfactory bond for the payment back of any amount he may have received in excess of what the

## SESSIONAL PAPER No. 20c

parties may agree upon, or may be determined by arbitration, to be fair compensation for the land taken and damages done by the railway. The giving of a satisfactory undercrossing to be considered in reduction of damages. The parties will, if this bond is given, be in a position to start afresh and determine what amount of the \$1,175 Ray should be permitted to keep bearing in mind that he is to have an undercrossing instead of a crossing at grade.

Commissioners Mills and Goodeve concurred.

February 11, 1914.

Mr. Commissioner McLEAN:

An agreement was duly entered into between the applicant and a representative of the railway. It may be, as alleged, that the applicant made an improvident bargain; it may be that there was a lack of mutual agreement of understanding as to the terms of the agreement. It is not alleged that the words of the agreement are otherwise than clear and explicit. If the agreement is to be voided for cause, it is a matter which, in my opinion, falls more properly within the jurisdiction of a tribunal other than the board. Under the circumstances, I do not feel free to express an opinion upon the merits while the agreement stands.

February 12, 1914.

G.T.R. AND C.N.O.R. SUBWAY, PLAINS ROAD, WEST OF BURLINGTON JUNCTION, ONT.

Assistant Chief Commissioner SCOTT:

This matter was heard by Commissioner Goodeve and myself at a sitting at Hamilton on the 28th May last, and after an inspection of the *locus in quo*, Commissioner Goodeve concurred in a memorandum of mine, dated 16th August, requiring a subway to be constructed to carry the highway under the existing tracks of the Grand Trunk and the tracks of the Canadian Northern Ontario railway; the location plan of the line of that company to be amended so that the Canadian Northern Ontario Railway Company's tracks will cross the highway in question beside the tracks of the Grand Trunk.

By order No. 17369, dated 30th August, 1912, the Grand Trunk Railway Company was ordered to prepare a plan of the proposed subway, and the question of the apportionment of the cost of the said work was reserved. In compliance with the order, the Grand Trunk have filed a plan of a subway. In accordance with the arrangement, the different municipalities whom the board thought might be benefitted by the construction of the subway have filed submissions in writing of their contentions with regard to the distribution of the cost of the work.

There are two points therefore, yet to be considered; one is, as to the character of the subway; and the other is, as to the apportionment of the cost of its construction.

With regard to the character of the subway, the Grand Trunk Railway Company has filed a plan showing a curve in the highway so that the subway would pass under the tracks of the railway companies at right angles thereto instead of on an acute angle as the highway is now traversed by the railway tracks. In submitting the plan the railway company suggested putting a curb down the middle of the subway so as to divide the traffic on the highway going in different directions to prevent collision. This idea of separating the traffic on the highway with a curb was one which the board thought worthy to be submitted to the municipalities interested, inasmuch as a right angle subway would be very much cheaper than a subway on the present line of the highway; and, as there would have to be some contribution from the municipalities interested, they might deem it wise to approve of the less expensive method of construction.

After submitting the Grand Trunk Railway Company's proposal to the municipalities we thought interested, we received very forceful objections to the right angle



subway from them. It seems to me that bearing in mind the importance of this highway and the fact that I think there should be some municipal contribution to the cost of the subway, the board should not deviate from its determination to have the subway follow the line of the highway as closely as possible, as expressed in my memorandum of August last. I therefore, would refuse approval of the Grand Trunk Railway Company's plan.

This is one of the main highways between Toronto and Hamilton, and is one of those selected for improvement under the "good roads" scheme of the Ontario Government. A single span is, of course, more desirable than two spans with abutments in the middle where it is feasible from an engineering point of view to have that character of construction. In the present case, if the subway was on the exact line of the highway a single span would be practically impossible owing to the length the steel work would have to be to carry the railway over the highway. Supports in the middle of a subway are thought by some to be objectionable, and in the present case the curb which the railway company shows down the middle of the subway, which it proposes is strongly objected to by some of those interested in the highway.

I have, therefore, had our engineer prepare a plan showing a single span opening of 35 feet as nearly on the highway line as it can be put consistent with reasonable expenditure. The angle is one of forty-five ( $45^{\circ}$ ) degrees, and the approaches are nicely rounded out to join the highway on each side. This subway would cost about \$44,000; and I think should be approved of by the Board.

A subway on the straight line of the highway with supports in the centre, our engineer estimates would cost about \$119,000, and would be 240 feet long under the railway tracks. Apart from the excessive cost, our engineer has other objections to such a subway and cannot recommend it.

What he now suggests will, I think, make a satisfactory subway from the point of view of the public travelling on the highway. The level crossing which we find there to-day is a very dangerous one, and it will be a substantial benefit to the residents of the surrounding district to have this danger eliminated. To bring this about, the Board in all such cases, think it fair to assess a portion of the cost on the municipalities interested. In this case I have come to the conclusion that it is fair to ask the village of Burlington, and the township of Nelson, each to contribute something towards the cost of the work. After carefully considering what these municipalities have submitted to the Board, and all the other circumstances affecting this matter, I believe a contribution of 5 per cent of the cost of the work, after deducting a contribution of \$5,000 from the Railway Grade Crossing Fund, would be reasonable. Where we assess a portion of the cost on a township, or a village, we do not as a rule assess an additional portion on the county; and we will not do so in this case.

Before leaving the question of municipal contribution, I would like to point out for the benefit of those interested that under the Ontario Municipal Act, any municipality ordered by this Board to contribute towards the cost of a work of this character, may raise the money to pay its share by debenture, without special legislation, and without submitting a by-law to a vote of the people. This makes an easy and simple method for municipalities to raise money for works of this kind without impairing the amount raised by their annual taxes which is required for other purposes.

The Canadian Northern Ontario Railway Company at first desired to cross this highway with its tracks about one-half a mile away from the place where we have ordered this subway. In order that this additional level crossing of the highway might be prevented, the Canadian Northern were ordered to amend its location plan to show a crossing over the highway adjoining the Grand Trunk Railway Company's tracks. In this way the Canadian Northern Ontario Railway Company would contribute its fair proportion of the cost of the subway. At this point, it appears by the plan of our engineer submitted to the Board, that there will be one C.N.R.

## SESSIONAL PAPER No. 20c

track and four G.T.R. tracks. The travel on the Grand Trunk main line tracks is very heavy; as, in addition to all the Grand Trunk trains, these tracks are also used by the Canadian Pacific under an agreement with the Grand Trunk. The Canadian Northern are to have a single track at this point; and I presume for some years to come the traffic on it will not be very heavy.

Bearing in mind the number of tracks and the probable user of them, it seems to me that 25 per cent of the cost of the work would be a fair proportion to place upon the Canadian Northern Ontario Railway Company.

Under the Railway Act, which provides for a contribution for the separation of grades out of a Government fund, we are permitted to give 20 per cent of the cost of such work as this; but, it must not exceed \$5,000. Twenty per cent of the cost of this work would be greater than \$5,000, but we are prevented by the Act from giving more than that amount.

I therefore think that the cost of the work should be apportioned as follows:—

Contribution from Railway Grade Crossing Fund, \$5,000.

After deducting this contribution, the balance to be apportioned as follows:—

Township of Nelson . . . . .	5%
Village of Burlington . . . . .	5%
C.N.O. Railway Company . . . . .	25%
G.T. Railway Company . . . . .	65%

Commissioner Goodeve concurred.

Order, in accordance with judgment, issued.

March 17, 1913.

RE DIVERSION KINGSTON LOTS 14 AND 15 TOWNSHIP DARLINGTON, ONTARIO, BY  
C. L. O. & W. RY.

Application C. L. O. and W. Railway Company, under section 237, for authority (1) to divert the Kingston road lots 14 and 15, concession 1, township Darlington, Bowmanville, Ontario; (2) to carry said diversion across tracks of said Railway by means of overhead bridge, mileage 149.5 (from Glen Tay); (3) to continue and connect diversion with Kingston road; (4) to divert road allowance between said lots 14 and 15, and connect with said diversion of Kingston road; the portions of said road and road allowance thus replaced by proposed diversions are to be closed.

Mr. Commissioner GOODEVE:

After a careful consideration of all the evidence submitted at the several hearings, and by correspondence on file, and a visit to the *locus in quo* accompanied by the Board's assistant chief engineer, I have arrived at the following conclusion:—

The first question to be considered by the Board is one of safety. The Board's engineers have advised that there is no difference in the factor of safety between the plan of the proposed subdivision and one carried directly in line with the highway—that both are easily safe. I think, therefore, this factor may fairly be eliminated from the present case.

The next question, and one that was largely dwelt upon in the evidence submitted, was that of utility and convenience. Referring to the plan submitted by the railway company you will see that this diversion will only make a difference of 150 feet in the distance to be travelled, and the radius of the sharpest curve is 140 feet while that of the average street car at a corner of the street is 45 feet. The approaches to the bridge will be on a 5 per cent grade, while that existing on the present highway is 10.8 per cent grade. This being the governing grade for this district, the increased efficiency in haulage and speed of vehicular traffic would more than offset the increased

distance. The following figures show the tractive force required to draw a load of 1 ton up grades of 5 per cent and 11 per cent:—

Load	Grade	Tractive Force Required.
One ton	5 per cent	145 pounds.
One ton	11 per cent	265 pounds.

For a load of 1,000 pounds the tractive force required would be half the above figures; and for a load of 500 pounds one-quarter of the above figures.

Drawing a load of 1 ton, which requires a tractive force of 145 pounds on a 5 per cent grade, a horse should make 138 feet per minute.

Drawing a load of 1 ton, which requires a tractive force of 265 pounds on an 11 per cent grade, a horse should make 75 feet per minute.

For loads of 1,000 pounds and 500 pounds, the distances should be doubled.

These figures show that the speed on a 5 per cent grade would be nearly double that on an 11 per cent grade with the same load, so that if the grade of 11 per cent on the hill near Bowmanville is 150 feet long, the increased distance on the proposed diversion would be about wiped out by the increased speed that one would be able to make on the 5 per cent grade.

The railway crossing in the proposed diversion will be at an angle of 52 degrees as against an angle of 15 degrees in the road allowance; so that from the standpoint of utility it cannot be said there is a very large factor of difference.

There remains the question of injury to private individuals in the immediate vicinity. This involves many more considerations than appear on the surface, and any principle laid down is far-reaching in effect. It was very strongly urged that the mere question of costs should not weigh as against safety, utility and injury to private individuals, and I think where the question of safety is involved, this is in a large measure true; but, I have shown that the factor of safety, and to a large extent, if not entirely, that of utility may be eliminated in this discussion, so that there remains but the factor of inconvenience and injury to private individuals, as against convenience and advantage to the public as a whole. Parliament has evidently recognized and provided for this difficulty; the following sections of the Railway Act making ample provision for injury done to private individuals in the construction of railways.

The provisions of the Act relating to compensation:—Under section 155, the company, in the exercise of its powers is required to do as little damage as possible, and to make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers.

By section 175, empowering the company to take possession of or occupy Indian lands, compensation must be made therefor.

Under section 176 the company may take possession of . . . . . the lands belonging to any other railway company, and if the parties fail to agree as to compensation, the Board may fix such compensation.

Section 179 empowers the company to use adjoining lands for the purpose of constructing or repairing its railway, or in the exercise of the powers conferred upon it, provided such lands are not more than 600 feet distant from the centre of the located line of the railway; and, further, that due compensation be made therefor.

So also under section 182, where a company enters into and upon lands lying along its line of railway to erect and maintain snow fences, it may do this only subject to the payment of such land damages as are actually suffered.

Section 215 provides that the company may not take possession until payment of the compensation awarded for land taken has been made.

Sections 192 and 200 deal with the procedure in determining and awarding compensation.

By section 237, compensation to be paid by the company for land across or along the highway shall apply to land exclusive of highway crossing.



## SESSIONAL PAPER No. 20c

By section 6 of chapter 22 of the amending Act, 1911, the provision in the Railway Act (section 235) authorizing the construction along or across highways, was amended to provide that the company should make such compensation to adjacent or abutting landowners as the Board should determine.

It will be noticed by the amendment of 1911, that even where no land is taken by the railway company, the Board is to grant such compensation to adjacent or abutting landowners as it deems proper.

If the Board laid down the principle that costs were not to be considered in any order it might make, this would involve a very largely increased capital cost in the construction of our railways, and as the capital costs have a direct bearing on the freight and passenger rates charged, these would necessarily have to be increased. The estimated cost of the two plans made by the Board's engineer is \$12,000 for the proposed diversion, and \$45,000 for an overhead crossing on the road allowance. The average cost of railway construction in Canada is \$59,454 per mile, so that the difference involved here, viz., \$33,000, would, if that principle were applied all over in the same ratio, increase the capital costs by more than one-half.

The Board's assistant chief engineer Simmons, who examined the *locus in quo*, has strongly recommended the proposed diversion, and this has been concurred in by the Board's chief engineer Mountain.

In the memorandum of the chief engineer of the Board, dated April 10, 1913, it is stated as follows:—

"This is a much less important road than Sunnyside avenue in Toronto, or the Lachine road at Rockfield, near Montreal, where the Board in both cases has put overhead constructions at a much sharper angle than this one, the Rockfield crossing being practically at an angle of 70 degrees, and that at Sunnyside avenue about an angle of 60 degrees, and no objections have been raised to these in any way. I should say the travel on the Lachine road is about ten times that on the Kingston road, and in addition we have recommended a 5 per cent grade, which will be an improvement over anything existing there now, they having now a 10·8 per cent grade. I have no hesitation in saying that, in my opinion, the plan, dated March 6, 1913, should be adopted, because it allows an easy curve on to the Kingston road to Bowmanville."

I think, therefore, the recommendation of the Board's chief engineer should be accepted, and the plan filed under date of March 6, 1913, be approved; the bridge to be 25 feet in width, and the approaches on a 5 per cent grade. Detailed plans to be submitted to the engineer of the Board for his approval.

Chief Commissioner Drayton and Commissioner McLean concurred.  
April 11, 1913.

Chief Commissioner DRAYTON:

I have had the opportunity of reading the carefully considered judgment of Mr. Commissioner Goodeve, agreed to by Mr. Commissioner McLean, and, after consideration, concur in it.

The plan of deviation was one, in the first instance, approved by the municipality. His approval does not bind the Board one way or the other, but is at least a circumstance to be considered in the determination of the question.

That solution appeared to the municipality, in the first instance at any rate, proper.

I think that the cross street as shown on the original plan should be carried at a steeper angle, which can easily be done; but with this change made, I would much prefer the deviation shown on the first plan to that of the second, the distance between the ramp and the railway being greater in the first instance, a matter of advantage, as, of course, all horses in the neighbourhood of railways are more or less subject to alarm.

I do not think the straight road now asked by the municipality is in its best interests. The maintenance of the highway on a trestle 135 feet long would be bound to be expensive, and the structure unsightly and unnecessarily obtrusive. To direct the company to carry the highway as now requested by the municipality would be to depart from the practice of this Board since its inception. No such solution of a highway crossing has ever—so far as I have been able to ascertain—been made. Safety should in all instances be considered before cost. Here, however, in each direction there is a clear view of five or six hundred feet; and one structure is practically as safe as the other. I think, however, that a solid fence should be erected on both ramps for the protection of drivers, in case green horses should become frightened by trains or by automobiles.

The real objection of the railway's plans as developed at the Board's hearing is founded largely on the automobile danger. It is alleged that a firm of automobile dealers use this particular road as a place for testing out their machines at high rates of speed. It would occur to me that this is a matter for the local authorities to deal with. It is certainly not a reason for penalizing trade and commerce, and that danger will exist on any elevated structure whether it be constructed on an absolutely straight line or constructed on the curve described in Mr. Commissioner Goodeve's judgment.

Regarding the question of costs, it is a mistake to talk of railways practically as public enemies. While sometimes they are public nuisances, they are also public necessities; and it is a mistake to think that the result of any administering board by its orders causing the railway companies to waste money is merely hurting the railways. Railway revenues are paid, not by the railways but by the public, and any unnecessarily extravagant railway investment forms an unnecessary burden to a greater or less extent distributed directly on the traffic which the public supplies.

A method of grade separation and deviation which the late chief commissioner, against the wishes of the municipality, found to be safe and proper for the crossing from King street to the Lake Shore road in Toronto, cannot, in my view, be described as dangerous and inefficient for a crossing of the Kingston road, in the township of Darlington, although near the flourishing town of Bowmanville.

Order issued as applied for.

May 10, 1913.

#### RE CHAMBERS STREET SUBWAY, SMITH'S FALLS, ONTARIO.

Assistant Chief Commissioner SCOTT:

This matter was before the Board at the last December and January sittings. Everybody agrees that the construction of a subway is the best solution of the difficulty. Our engineer recommends a width of 35 feet. I would like to see a wider subway than that put in, were it not for the fact as pointed out by the engineer that the work would be very expensive as there will be chiefly rock excavation. I think therefore, the width should be 35 feet, but it should be clear; that is, without any upright supports within that width.

As to the question of cost. Chambers street is at one end of the company's yard. There are four tracks crossing the highway at present, including the main line between Toronto and Montreal. There is considerable traffic on the railway over the crossing, not merely for through trains, but for shunting purposes. In plans submitted by the railway company, in addition to the existing four tracks, they show three more tracks. It is quite clear, therefore, that separation of grades at this point will be of material advantage to the railway company.

There is considerable travel on the highway. It is one of the main thoroughfares into Smith's Falls from the township of Montague. Some people having business interests in Smith's Falls, who reside out in the township, also use this highway.

## SESSIONAL PAPER No. 20c

We were told at the hearing that the total assessment of the township is a little over \$700,000, and the population 1,741. I feel that the township should contribute something towards the subway; but, owing to its circumstances the contribution can only be a small one.

The subway would undoubtedly be of considerable advantage to the town, and in accordance with our practice it should contribute something towards the cost. It must be borne in mind, however, that the town is agreeable to the closing of Pacific and James streets, and that the railway company has already got considerable advantage in its freedom from grade crossings in Smith's Falls.

The railway company submits that the total cost of the subway will be \$141,000. It seems to me this is rather an excessive amount; but, in the dispositions of this matter which I suggest, the exact amount of the total cost is not a matter of importance. In passing, let me point out that of course the sum mentioned by the railway company includes a structure to hold up seven tracks, whereas there are only four on the ground to-day. The municipalities, of course, should not be expected to pay for any portion of the structure which would be required to hold up the extra three tracks.

I therefore think that the cost of this work should be borne as follows:—

Township of Montague. . . . .	\$ 2,000
Town of Smith's Falls. . . . .	13,000
Contribution, Railway Grade Crossing Fund. . . . .	5,000

Chief Commissioner Drayton, and Commissioner Goodeve concurred.

Commissioner MILLS:

Considering all the facts and circumstances in connection with this and other crossings and the closing of streets in Smith's Falls, I think the amount placed upon the town is excessive; and for other reasons, I regard the sum required of the township as more than it should be asked to pay. Hence I am unable to concur in the above distribution of cost.

Order, in accordance with judgment of Chief Commissioner Drayton, issued.

April 22, 1913.

## CLOSING OF HIGHWAYS—JURISDICTION OF BOARD.

Applications were repeatedly being made to the Board by railway companies to have highways closed.

Chief Commissioner DRAYTON:

Some orders have in the past issued closing highways in so many words, and these orders are referred to by the railway companies in support of their requests for similar orders. In no instance, however, that I have been able to discover has any street been closed except where some highways forming part of a general scheme of rearrangement, have been diverted. Applications for orders closing highways come in in varying forms, and it has become necessary to rule on the Board's jurisdiction in connection with the matter.

The Board has no jurisdiction to close highways. The Board has the right to divert. Diversion implies two things: firstly, laying out of a new right of way for the public, that is, a highway across the railway company's right of way; secondly, closing of the previous highway. The Board's jurisdiction so far as closing is concerned, is confined entirely to the extinguishment of the public right to cross the railway company's right of way. It can go no further.

The appropriate order to be applied for and to be drawn by the law clerk, if the application is granted, is an order authorizing the road diversion and the construction of a grade crossing on such diversion in accordance with the standard requirements of the Board and as shown on the proper plans and profile, filed. Secondly, that.



5 GEORGE V., A. 1915

after the diversion is made and grade crossing constructed thereon in accordance with the Board's standard regulations, the railway company may close that portion of the existing road allowance, authority for the diversion of which is granted, within the limits of the railway company's right of way.

May 10, 1913.

RE GATES—OSLER AVENUE—NORTH TORONTO, ONT.

In re application of the City of Toronto for the installation of gates, to be operated day and night, at the crossing of Osler Avenue by the Canadian Pacific Railway in North Toronto.

Mr. Commissioner MULLS:

In October, 1911—about a year and a half ago—the question of protection at this crossing was briefly considered by the Board; but no order was made; so, on the 20th March, 1913, the city applied for the installation of gates, to be operated day and night, at the said crossing.

There is a siding across the street on the south side of the two main tracks, another siding branching off northeast of the crossing, and a transfer track connecting with the main line northwest of the crossing. A couple of high board fences, a wood pile, and a number of buildings seriously interfere with the view of approaching trains. The traffic on both the highway and the railway is heavy; there is some shunting over the crossing; the chief operating officer of the Board is inclined to think that protection should be provided; and our chief engineer, after a personal inspection a few days ago, has recommended that gates, to be operated day and night, be installed at the crossing—20 per cent of the cost of installation to be paid out of "The Railway Grade-Crossing Fund," and the remainder of the cost of the installation with the entire cost of the operation and maintenance, to be paid by the city and the railway company—one-half ( $\frac{1}{2}$ ) by each.

Such is a brief statement of the facts; and I may add that I concur in the recommendation of the engineer—the half-and-half division of the cost being partly due to the fact that it has not been clearly shown whether the railway right of way originally crossed any portion of Edmund street on the north or Cooper avenue on the south, which street and avenue seemed to provide for a continuous route from the south towards the north, the said route having subsequently been given the name of Osler avenue.

Commissioner McLean concurred.

May 10, 1913.

GRAND TRUNK CO. V. CANADIAN PACIFIC RY. CO.

The Grand Trunk Railway Company applied for an order requiring the Canadian Pacific Railway Company to reconstruct bridge No. 145, mileage 12.23, 10th district of the Grand Trunk Railway Company's line, which carries the applicant company's railway over the Canadian Pacific Railway.

The bridge was originally constructed by the Ontario and Quebec Railway Company now owned and operated by the Canadian Pacific Railway Company, under an agreement with the Midland Railway Company, now part of the Grand Trunk System, of date February 21, 1883.

Prior to the agreement referred to, the Ontario and Quebec Railway Company filed its plans and commenced the construction of its railway, which necessitated four crossings of the Midland line. Three were made by the construction of bridges, and the fourth—the crossing in question—situated near Myrtle, by an undercrossing, the result being that in three instances the Grand Trunk trains ran underneath and in the case in question, over the line of the Canadian Pacific Railway Company.

## SESSIONAL PAPER No. 20c

The bridge in question was damaged by work of the Canadian Pacific Railway Company and is now supported by temporary structures. It has to be put into a good and sufficient state of repair by the Canadian Pacific Railway Company, and perhaps reconstructed. The Grand Trunk Railway Company desires that the Canadian Pacific Railway Company should strengthen and add to the bridge to permit of the operation of rolling stock of the present standard—the bridge is some thirty years of age—and the application involves an entirely new structure.

## CHIEF COMMISSIONER DRAYTON:

The whole issue is as to whether or not the Grand Trunk is entitled to a bridge sufficient for modern requirements, or whether the responsibility of the Canadian Pacific is discharged by merely placing the present bridge in repair, or replacing it with a similar bridge of like character.

The agreement provides:—

“That the said several crossings above mentioned shall all be maintained at the cost of the Ontario Company (Canadian Pacific), and shall each always be maintained in a good and safe state, so as in no way to endanger the property, fixed or movable, of the Midland Company, and against all damages because of the construction or non-maintenance of the said crossings, and each of them, the Ontario Company shall and will save the Midland Company harmless.”

Mr. MacMurchy, for the Canadian Pacific, urges that “maintenance” merely means the preservation of the bridge in its former condition, or the substitution of a similar bridge; and Mr. Biggar’s submission is that “maintenance” must be construed as applying to the changing and increasing necessities of traffic.

In addition to the above position taken by Mr. MacMurchy, he points out that no such intention can be drawn from the agreement, because where changes are to be made to meet altered conditions, the agreement specifically provides for them. The paragraph that he relies on reads:—

“That each of the said bridges shall be well and substantially built, and shall have a space in each case in the clear for the purpose of the Midland Company (Grand Trunk), of the number of feet above expressed, and in each case shall be erected, kept, and at all times hereafter maintained in a good and sufficient state of repair, and at such a height above the Midland Company’s line of rails, as shall secure at least seven feet clear above the highest of any freight cars now or hereafter passing over the Midland Company’s said lines respectively, as provided in the statutes in that behalf now in force, or which may hereafter be passed by competent authority in that behalf; and this shall be done at the costs and charges of the Ontario Company (Canadian Pacific).”

For the purposes of the Midland line it was necessary to provide for clearances—as are set out particularly in each case—where the surface of the right of way of that company was being interfered with by the Ontario Company’s line; otherwise the abutments of the different bridges might have been placed in such a manner as seriously to inconvenience the Midland’s operations; and I have no doubt that the clearances insisted on by the Midland were ample and sufficient for its purposes.

In like manner, it was also necessary for the Midland to provide that bridges must be put at such a clearance overhead as would free the Midland from the restrictions of the Railway Act, and allow a space of 7 feet between the top of its highest car and the obstruction over its line.

The case of the undercrossing is different. Here the abutments are built on the lower level to be traversed by the constructing company. The Midland is not concerned in clearances either above or below.

Having so far protected themselves, however, does the agreement under the usual rule absolve the company from any changes in connection with the undercrossing? In my view, it does not.

The Midland Company received no consideration; and, in my view, no restriction of its right to use its property for railway purposes was contemplated. The constructing company doubtless could have got crossings under the order of the Railway Committee, proper regard having been had to the rights of the senior line. Doubtless, for this reason the agreement was entered into; not with any thought that the operations of the Midland were to be in any way curtailed or hampered by the methods of crossing decided on.

In my view, the word "maintenance" has to be read in its wider sense, and entailed upon the constructing company the duty of maintaining the bridge in question as a part of the permanent way of the Grand Trunk line, and sufficient for the purposes of that company.

I think the agreement does not defeat what I find to be the intention of the parties. The right of the Midland, and its successor the Grand Trunk, to run any and all trains over the bridges is unlimited. It certainly was within the knowledge of both contracting parties that the weights of engines, and other rolling stock, from time to time increased. The constructing company is protected from any unreasonable addition in the weight of rolling stock by the fact that the Grand Trunk has to strengthen all its bridges before the heavier rolling stock can be used on the line. The additional weight of the Grand Trunk rolling stock is reasonable, and no heavier than, if as heavy as, that used by the Canadian Pacific. The Grand Trunk desires to make its whole line, from Lindsay to Whitby, available for what is known as "E 50 loading", to enable that company to detour trains either from the main line between Whitby and Port Hope, or from the Port Hope-Midland line, making the carrying capacity of the branch equal to that of the line between North Bay and Port Arthur.

Assuming that the work of the Canadian Pacific had never injured the bridge in question, its maintenance as an inefficient bridge would "endanger property, fixed or movable, of the Midland Company;" and the covenant "against all damage because of the construction or non-maintenance of the said crossings, and each of them, the Ontario Company shall and will save the Midland Company harmless," would apply.

The terms of the agreement and the circumstances under which the interpretation of the word "maintenance" arises are different in this case from that between the Intercolonial Railway and the Grand Trunk Railway; but the general reasoning is entirely in support of the opinion now expressed. I entirely concur in the judgment of the late Chief Commissioner, Mr. Justice Killam, in that case.

At the hearing I asked the parties to supply the Board with information as to the difference in cost between a bridge sufficient to carry the former traffic and the bridge required by railway conditions of to-day; but the parties have not supplied this information. The Board's chief engineer will determine just what this difference is, and whether reconstruction of the present bridge would, in any event, be necessary, or whether mere repairs would be sufficient.

An order will go for the construction of a bridge sufficient for to-day's requirements; detail plans and stress sheets to be submitted to an engineer of the Board for his approval, unless the engineer finds that the plans already submitted by the Grand Trunk Company are proper and reasonable. The Canadian Pacific Railway Company will build the bridge according to these plans, at its own cost; but I think that the Canadian Pacific is entitled to have the opinion of the Supreme Court—should they desire it—as to whether or not the excess of cost, to be determined by the Board's chief engineer, should, under the agreement, be borne by the company. In the event of the Supreme Court advising the Board that the Canadian Pacific is not liable under the agreement, then, the Grand Trunk must pay the difference to the Canadian Pacific. Plans must be submitted and approved within thirty days, and the work completed in four months.



SESSIONAL PAPER No. 20c

The Canadian Pacific, is, of course, entitled to the salvage of the present structure.

Commissioner Mills concurred.

May 10, 1913.

Mr. Commissioner McLEAN:

I am unable to agree with the direction of the Chief Commissioner that the cost of reconstruction of a bridge sufficient for to-day's requirements should be borne by the Canadian Pacific Railway. With full appreciation of the reasoning of the late Mr. Justice Killam, as referred to by the Chief Commissioner in his judgment, I am unable to see that this reasoning indicates the pathway to be followed here. In so far as the new bridge is an improvement over the existing one, the improvement should be considered in the nature of an addition or betterment.

In the agreement between the Midland Railway Company of Canada and the Ontario & Quebec Railway, it is recited that the agreement in respect of terms therein set out is an agreement in perpetuity. It is also recited:—

“That the said crossings above mentioned shall all be maintained at the cost of the Ontario Company and shall each always be maintained in a good and safe state and so as in no way to endanger the property fixed or movable of the Midland Company and against all damage because of the construction or non-maintenance of the said crossings and each of them the Ontario Company shall and will save the Midland Company harmless.”

The matter, therefore, turns on the question of what is meant by the word “maintenance.” Maintenance, in my opinion, is clearly distinguishable from the reconstruction which creates an addition or betterment. An addition or betterment reflects the change in the investment of the carrier as a result of the work in question being done. Maintenance has been defined as including “such depreciation as may ordinarily be removed or offset by proper expenditures at such times as the worn-out parts may be economically replaced.”—*Floy, Valuation of Public Utilities*. p. 24.

The Department of Railways and Canals has of recent years followed in its statistical practice the forms of returns from railways used by the Interstate Commerce Commission. The Interstate Commerce Commission in dealing with the question of additions and betterments in connection with bridges, gives in substance the following direction:—

“To this account shall be charged the excess cost of new bridges.... over the cost of replacing in kind bridges.... removed or abandoned, including the cost of abutments, piers, supports, draw and pier protection.... *Eaton's Handbook of Railroad Expenses*, p. 345.

If the Grand Trunk were reconstructing a bridge, it would, in following strict accounting practice, charge in its accounts this excess cost to capital. It would seem reasonable to follow the same practice where there is an agreement as to the maintenance of a bridge by another company. I do not read the agreement as an undertaking in perpetuity on the part of the Ontario & Quebec Railway to reconstruct the bridge from time to time as the conditions of traffic vary. The agreement was made in the light of the knowledge at that time existing in respect of railroad condition. The Ontario and Quebec, or its successor in title, meets the requirements of the agreement by maintaining the bridge as it was constructed.

It may be on account of the changed conditions on the Grand Trunk Railway, the present type of bridge prevents the Grand Trunk from making a full and efficient use of its facilities; but to my mind the primary obligation of the Ontario and Quebec Railway, or its successor in title, is discharged by maintaining the bridge as constructed. The further question as to whether the full and efficient use of the Grand Trunk's facilities should be impeded by the bridge as at present existing is one in

5 GEORGE V., A. 1915

which the parties are at large, and independent of the terms of the agreement; and the question as to what distribution of costs should be made between the parties in respect of excess cost of a new bridge is something which should be determined independently of the terms of the agreement.

Order in accordance with the judgment of Chief Commissioner Drayton, issued.  
May 14, 1913.

G. T. R. CROSSING WEST OF VAUDREUIL STATION, QUEBEC.

Mr. Commissioner GOODEVE:

The matter of protection of the Lake Shore road crossing was first brought to the attention of the Board by a report of its chief operating officer, dated April 8, 1910. The matter was set down for hearing at Montreal on April 28, 1910, before the Chief Commissioner, Deputy Chief Commissioner, and Commissioner Mills, and no order was made.

An application was then made by Mr. Biggar, on behalf of the G.T.R. asking the Board to issue an Order to the effect that no additional protection is necessary at this point. A memorandum appears on file from the late Chief Commissioner Mabee as follows:—

“In answer to Mr. Biggar’s letter of May 25, 1910, in view of the report of Chief Operating Officer Nixon of 8th April, 1910, it is not possible that an order should issue dismissing this case without additional protection, unless Mr. Nixon’s report is complied with.”

On December 22, 1911, an accident occurred at this crossing by which one Ferdinand Trepanier was killed; a report of the accident being made by the Board’s Inspector Lalonde, in which he points out that while no one was to blame for this accident, as it was due to the carelessness of the victim himself, this is a busy highway with heavy traffic on the railways of both passenger and freight trains, and recommended that speed limitation be continued until protection by means of a bell was provided.

A further report was made by the Board’s chief operating officer, under date of April 26, 1912, in which he recommended that the Board’s engineer take up with the G.T.R. and C.P.R. Companies the question of protection by means of gates operated from a tower; but after consultation between the Board’s engineer and the engineers of the two railway companies, a plan for separation of grades was submitted by the C.P.R. on November 20, 1912, copies of which were submitted to the municipality on December 4, 1912.

After considerable correspondence, the final answer of the municipality was received by the Board on February 7, 1913, in which it objected to the plan submitted for the proposed subway, on the grounds of the damages that would arise therefrom to the property owners, and to the municipality itself. These plans involved the closing of an important road leading into the municipality.

The Board’s chief engineer again made a careful study of the situation, with a view to obtaining adequate protection otherwise than by means of a subway, and recommended the erection of gates operated from a single tower jointly for the protection of the C.P.R. and G.T.R. tracks. This plan was submitted to both companies, and agreed to by the G.T.R., but objected to by the C.P.R., the latter expressing the view that if the Board ordered the installation of gates they should be independent of each other and each pair be operated by a separate watchman. In view of this objection, the Board’s chief engineer has recommended that each company protect its tracks by means of gates operated from a tower.

After a careful study of the history of the case, I concur in the final recommendation of the chief engineer, as to the best means of adequate protection; and I think that order should go accordingly; detail plans of each installation to be submitted to the

## SESSIONAL PAPER No. 20c

Board's engineer for approval; twenty per cent of the cost in each case to be paid out of the Railway Grade Crossing Fund, and the remainder of the cost to be paid by the companies interested; five per cent of the cost of maintenance and operation in each case to be paid by the municipality, and the remainder by the respective railway companies.

Assistant Chief Commissioner Scott and Commissioner Mills concurred.

Ordered accordingly.

May 10, 1913.

## RE C. L. O. &amp; W. RY. CROSSING FORCED ROAD, TOWNSHIP RICHMOND, ONT.

In *re* the application of the Campbellford, Lake Ontario and Western Railway Company, under section 237 of the Railway Act, for authority to construct its railway at mileage 54.99 across the Forced Road in lot 14, Concession 7, Township of Richmond, Counties of Lennox and Addington, Ontario.

Mr. Commissioner MILLS:

In view of the fact that this crossing is at the foot of a steep hill, and within the range of a velocity grade on the railway, I think it should be made by an overhead bridge on the highway; the approaches thereto to be on a 10 per cent grade (as agreed to by the municipality) constructed as per section 5 of "The Standard Regulations of the Board Affecting Highway Crossings, as Amended May 4, 1910"; but the railing required by section 5 (a) of said regulations, not to be constructed till the municipality has made such additions as the reeve and some of the township councillors agreed to make to the said approaches, with a view to reducing the grade thereof.

When the said work by the municipality is completed and notice of completion is sent to the Board and the railway company, the said company should at once construct the said railing on the said approaches, carrying it out on each approach to the limit of the 10 per cent grade; and the municipality should, without delay, continue the said railing (constructed in the same way) out as far as may be necessary to protect the public who may use the said crossing; and should also, at its own expense, divert the recently constructed diversion of the side road, extending eastward from the crossing, round in such a way that teams wishing to pass from the said diversion to the southern approach to the bridge, can do so by an easy curve, on a proper grade.

Assistant Chief Commissioner Scott concurred.

Order, accordingly, issued, when the applicant company applied for a rescission of the said order, alleging that this is a comparatively unimportant road and the crossing by no means as dangerous as many level crossings now in existence. After due consideration the Board found that there was no valid reason for changing or rescinding the order in question.

May 16, 1913.

## RE HAMILTON STREET RAILWAY CROSSING T. H. AND B. INTERSECTION MAIN AND TROLLEY STREETS, HAMILTON, ONT.

Application of the Hamilton Street Railway Company, under section 237, for permission to part cross at grade the tracks of the Toronto, Hamilton and Buffalo Railway, at the intersection of Main street and Trolley street, Hamilton, Ontario.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing at Ottawa, June 4, 1913:

The Hamilton Street Railway Company is applying for permission to put two tracks across the Toronto, Hamilton & Buffalo Railway at Main street. There is a crossing to-day of the tracks of the Hamilton Radial over the Toronto, Hamilton &



5 GEORGE V., A. 1915

Buffalo at Main street. Those tracks were permitted to be put down by two orders of the board, one made on the 11th December, 1905, and signed by the late Mr. Killam, and another signed by Mr. Bernier, dated the 8th of January, 1906.

The objection which the Toronto, Hamilton & Buffalo Railway Company raises is that it does not want three diamonds (that is, three crossings), and the Hamilton Street Railway Company says there are not going to be three crossings; that it is, in fact, going to take up the Hamilton Radial crossing at that point, so that there will only be two crossings; but it does not wish its legal rights, whatever it may have got in the past, to be prejudiced; that is, the legal rights which the Hamilton Radial may have to be prejudiced by the granting of the present application to the Hamilton Street Railway.

Dr. MILLS: The right to replacement.

The ASSISTANT CHIEF COMMISSIONER: Whatever the rights are.

Mr. COLEMAN: As determined by this by-law.

The ASSISTANT CHIEF COMMISSIONER: But it is stated that the Hamilton Radial tracks will be taken up at present.

Mr. COLEMAN: Yes. In the case of the right of replacement, if any one suffered by that it would be the street railway as being junior to the Radial at that point.

The ASSISTANT CHIEF COMMISSIONER: It is not necessary for the Board to decide anything about the right of replacement.

On the statement of facts before us, we grant the application of the Hamilton Street Railway to lay these two tracks.

Ordered accordingly.

RE SUBWAYS UNDER C. P. R. AT TORONTO AND ESPLANADE STREETS, MEDICINE HAT, ALTA.

Chief Commissioner DRAYTON:

This is an application by the city of Medicine Hat, Alta., for an order of the Board directing the construction of subways under the tracks of the Canadian Pacific Railway Company, at Toronto and Esplanade streets, in the city of Medicine Hat.

The question of highway crossings, or other access, from one part of the city to the other, is a vexed question, and one that has been before the Board on different occasions.

In September, 1906, the city applied for the establishment of a public level highway crossing over the right of way of the Canadian Pacific Railway, on Main street. The company's reply to the application was that there was no highway in fact at the time; but that the company had no objection to an order permitting the city to extend Main street across its right of way, on condition that the construction and maintenance thereof should be at the sole cost and expense of the city; and that the city would also bear the cost of the installation, operation, and maintenance of any means of protection that the Board might then or thereafter deem necessary in the public interest.

It appears that, prior to this application (although no highway in law had been established), as a matter of fact the public was using the crossing, and it was planked so as to permit of the passage of wagons and other vehicles.

Before any order was made on this application, the city applied, in October, 1907, for an order authorizing the construction of a pedestrian subway on Toronto street; a vehicular and pedestrian subway on River street; and an overhead bridge on Ottawa street.

The company's reply, in each instance, denied the city's right as based on the suggestion of existing highways, and stated that, should any of the applications be granted in each instance the whole expense should be at the cost of the municipality.

The four applications were set down for hearing at Medicine Hat, and were considered together on the 15th of February, 1909.

## SESSIONAL PAPER No. 20c

An order was made declaring the crossing then in use at Main street to be a public crossing.

The other matters were disposed of by direction of the late Chief Commissioner as follows:—

“Hon. Mr. MABEE: An order will go for the city to have leave to construct a passenger subway under the railway company's yards and grounds on Toronto street extended. The city to prepare plans, file them with the Board, and submit them to the railway; and if there is any dispute about the plans, the engineering department of the Board will adjust it. The expense of the subway to be borne by the city, the railway to be at no expense. Proper notice to be given, and the work to proceed under the supervision of somebody appointed by the railway, so that in no respect shall the yards or grounds or the operation of the railway be in any way impeded or interfered with.

“The expense of constructing that highway at River street will be upon the municipality, the railway company to be at no expense in connection with that.”

This disposition was facilitated by an agreement between the parties as follows:—

“The application of the city of Medicine Hat for a level crossing at Main street having been granted, the city consents to the application for a level highway crossing at River street being refused by the Board, the railway company agreeing to grant a crossing under its bridge over the Saskatchewan river between the East pier and the East abutment.”

The Board's formal order then issued, authorizing the city to construct a public crossing under the said bridge on the terms of this agreement.

No action has yet been taken by the city under that authority; nor has the city, with the exception of filing plans, taken any action under the order then granted, authorizing it to construct a passenger subway.

No action having been taken under any of these orders, except that Main street—having been declared to be a public highway, protected by gates as subsequently advised—is still used, the city now applies for the construction of subways of full width on Toronto street and at the Esplanade.

As a general proposition, there is no objection to municipalities building subways at their own cost—if they desire to make the expenditure—irrespective entirely of circumstances which would justify the Board's ordering such action in view of public interests under the Railway Act.

The new applications are, in reality—although different in form—applications by way of appeal from the former judgment of the Board, which declared that construction at these points should be entirely at the expense of the city.

The evidence in the present applications as to prior highway user, and the circumstances under which the town plot was laid out, are given at greater length than at the former hearing; and it is also a matter to be noted that, since his decision in the Medicine Hat case, the late Chief Commissioner, on October 10, 1910, delivered a considered judgment on the application of the city of Regina, which was made and submitted under substantially similar circumstances.

The town plot of Medicine Hat was laid out by the Canadian Pacific Railway Company, the plan, of course, creating streets, and laying out lots, and carrying the town plot on both sides of the track, and to-day it appears that the result is that the settlement and population of Medicine Hat is almost cut in two by the railway—that is, practically as many people live on the one side of the railway as on the other—the crossings are of necessity numerous, and Main street is dangerous and congested.

In Regina, as in Medicine Hat, the town plot was laid out by the railway company, and lots were sold by the company in accordance with that plot.

At the hearing in the Regina case, Mr. Dennis, the Assistant to the First Vice-President of the Canadian Pacific Railway Company, said:

"I have asked Mr. McMullen to let me make a statement in regard to this crossing question, because there are certain features—apart from the legal aspect—that I think should be considered in connection with this Hamilton Street crossing, as well as others that may come before the Board. We admit perfectly frankly that in the case of Regina, and a large majority of other points in the West, the question of crossing over our right of way is a very serious one. I pointed out last year that in a large majority of the cases the construction of the railway preceeded the laying out of the town plots. The town plots, unfortunately, were surveyed on both sides of the railway line; and in registering plans of the town lots on the property which belongs to the railway company, they were not registered to extend the streets across the track. There was no dedication, on the part of the company, of streets to constitute public crossings. Settlers have come in very rapidly in a great many instances, and the situation has become very acute. In the large majority of cases in the West, I am glad to say we have been able to arrive at a satisfactory arrangement with the municipalities, or with the local government dealing for them, so that there have been very few cases in which it is necessary to come to the Railway Commission to order crossings. At the points where we have come to agreements, of course, we understand it is necessary that we should file with the Commissioners a plan, so that the necessary order could be made constituting the crossing agreed upon as legal. That was the procedure we were endeavouring to follow at Regina. The company realized—and I take the responsibility of admitting it, on their part—that there is a certain responsibility with regard to these crossings which would not be upon them if they had not owned and surveyed the town plots. I made the statement last year, and I do not hesitate to make it again. The town plots were laid out by the company; lots were sold by them in accordance with the plans; it is true they did not show crossings, but there was a greater or less responsibility upon them in connection with the location of these town plots on both sides of the track. The situation is accentuated in a great many instances from the fact that the larger part of the city is on one side of the track, and between the city and the track we have had grown up a long line of warehouses and elevators which render the track blind from the south side."

I cannot distinguish, so far as principle is concerned, between the Regina situation and the Medicine Hat situation; and if I am right in this—although neither Toronto street nor the Esplanade are to-day legally carried over the railway, so that the proposed subway constructions create an entirely new public right—the railway company should bear some part of the cost.

I find on the evidence from actual inspection, that the Main street crossing is congested and dangerous, and that at least one other crossing is required, to relieve that congestion.

It would be really better to construct a subway at Main street. This I would not direct, if it were not for the large cost which would be imposed upon the parties.

I think that the construction of a subway on Esplanade street, which can be built (exclusive of land damage), for about one hundred and sixty thousand dollars, and through which the street railway can be operated, would relieve congestion at Main street, and that much of the light vehicular traffic would use it. Its construction, therefore, to-day, I think, is in the public interest, and should be ordered under the appropriate section of the Railway Act. Under these circumstances—for the reasons I have pointed out—I think that the cost should be apportioned between the parties as was directed in the Regina case, which results in the city doing all excavation, paving, erecting of sub-structures, drains, lighting, etc., while the railway com-



## SESSIONAL PAPER No. 20c

pany erects the superstructure to carry its tracks over the subway, and provides—free of cost—as much of its land for the necessary approaches as an engineer of the Board may determine. The city to be responsible for abuttal damages. The engineer, in arriving at what portion of the company's land should be taken for the purpose of the subway, to be guided by the directions of the late Chief Commissioner in the Regina case.

Evidence was given to show that, as a matter of fact, traffic had existed for some eight or nine years over the Esplanade; and, as the building of the subway at the Esplanade will relieve the traffic on Main street, I have decided that five thousand dollars may be paid out of the Railway Grade Crossing Fund; this amount to be divided between the city and the railway company in the proportion that the outlay incurred by each bears to the total cost of the work; this proportion to be settled by the Board's engineer.

I do not think that the proposed subway at Toronto street is similarly justified. Its construction, as called for by the city's plans, entails a grade, on the one side, of 7·6 per cent, and of 6 per cent on the other side. Public traffic would probably use it if the city proposed to close Main street. The city, however, does not think that Main street can or should be closed; and with Main street, only a block away, affording a level crossing, on the one hand, as against a 7·6 per cent incline, on the other, I am satisfied that Main street will continue to be used, and that it would not be reasonable to compel the railway company to pay any part of the expense of a subway on Toronto street, so short a distance from the said Main street. If the city wants to construct such a subway at its own expense, according to plans to be approved by the Board's engineer so as to prevent interference with the company's railway facilities, there is no reason why permission should not be given. I am, however, afraid that the work would be very expensive and the property damages unusually heavy.

The pedestrian subway which the Board has already approved of, can be constructed on the said Toronto street for a small proportion of the cost of a subway for both vehicular and pedestrian traffic. The municipality, as stated above, has an order for a pedestrian subway; and it can be built, if the municipality wishes; but I would not interfere with the disposition of it made by the late Chief Commissioner. Its construction should, therefore, be at the expense of the city; with the reservation that the railway company should not charge anything for any portion of its land that may be occupied by the subway or its approaches.

Then, as to the crossing of the road allowance at the east end of the yard. This crossing requires protection. The suggestion of the city, is that it should be protected by gates. No better form of protection seems to be feasible—at least for the present; and an order should, therefore, go for the installation of gates, to be operated day and night, 20 per cent of the cost of the installation to be paid out of the Railway Grade Crossing Fund; 60 per cent of the remainder to be paid by the railway company; and 40 per cent by the city; the work of operation and maintenance to be done by the railway company at the cost of the railway company and the city, the railway company paying 60 per cent and the city 40 per cent thereof; and the city to pay its share in monthly instalments, on accounts being rendered to it by the railway company.

A plan of the layout is to be submitted by the railway company to the Board for approval within one month; and the gates are to be erected and in operation within three months after such approval.

Commissioner Goodeve concurred.

Ordered accordingly.

June 30, 1913.

5 GEORGE V., A. 1915

## RE DIVERSION OF TORONTO STREET, MOOSEJAW, SASK.

Chief Commissioner DRAYTON:

This is an application made by the Grand Trunk Pacific Railway Company for an order authorizing the diversion of Toronto street, between Sixth avenue and Eighth avenue, in the city of Moosejaw, Sask., and requiring the Canadian Pacific Railway Company to bear such portion of the expense of the diversion and structure as will provide a highway crossing under its Outlook branch, as the Board may deem equitable.

The application is stated to be made with the consent of the city of Moosejaw, which did not appear either at the original hearing at Regina, or at the adjourned hearing at Medicine Hat.

It developed at the hearing at Regina that pedestrians were crossing the tracks of the Canadian Pacific Railway Company at this point, although no highway was laid out; and that the Canadian Pacific Railway Company did not deny the right of the people to travel across the road allowance, or of the municipality to have it opened across the railway tracks at any time it wished.

The case was then adjourned to be spoken to subsequently, so as to enable the Canadian Pacific Railway Company to go more fully into the plans of the Grand Trunk Pacific Railway Company and make what submissions it desired as to what, if any, proportion of the costs should be paid by the Canadian Pacific Railway Company.

The case was again called at Medicine Hat on the second day of June.

No one appeared for the Canadian Pacific Railway Company, but the Grand Trunk Pacific Railway Company was directed to draft an order and submit it to the Canadian Pacific Railway Company. No arrangement whatever has been made as between the companies, and the matter has to be dealt with by the Board.

There is no doubt whatever that the Government road allowance on the township line is prior to the construction of the Canadian Pacific railway, and that the municipal authorities are entitled to a highway crossing at this point under the usual terms.

A representative of Moosejaw pointed out that the public has not crossed the railway on the line of this Government road allowance, but angled off towards the town in an easterly direction. According to the plan on file, this would mean that, instead of crossing the railway, Toronto street would have been used.

The proposed work of the Grand Trunk Pacific Railway Company would carry the line of the Canadian Pacific Railway Company over the extension of Toronto street by a bridge, Toronto street being diverted and extended westerly under the line of the Canadian Pacific railway by subway construction. This work would obviate, for all time, any question of highway crossing at Toronto street.

The Grand Trunk Pacific Railway Company's application is also to close Government road at a point south of the proposed subway, diverting the traffic from that road into the subway, which would, in turn, prevent any highway being constructed over the tracks of the Canadian Pacific Railway Company on the Government road and free that company from all obligation in connection with the level crossing.

The result of the work is that the Canadian Pacific Railway Company gets a real benefit in that these highway rights are extinguished and the company relieved from all possibility of cost of future protection or of speed limitation.

Under these circumstances, it is only fair that the Canadian Pacific Railway Company should make a contribution towards the cost. Its share of course, should be smaller than that of the Grand Trunk Pacific Railway Company, as the benefit to the Canadian Pacific is but an incident to the work which is undertaken in the first instance not to extinguish highways on the lines of the Canadian Pacific, but to provide for the Grand Trunk Pacific Railway Company's entrance into the city of Moosejaw.

## SESSIONAL PAPER No. 20c

The cost of the whole work, the Board's engineer estimates, will be fifteen thousand dollars. Of this total, \$5,600 represents the cost of the Grand Trunk Pacific Railway Company in providing for the Toronto Street diversion and subway, the balance of the costs being incident purely to the structure over its own right of way.

Under the circumstances, I am of the view that justice would be done, as between the railway companies, if the Canadian Pacific Railway Company were ordered to contribute two thousand dollars towards the cost of the work.

The Grand Trunk Pacific Railway Company was directed to forward a draft order to the Board, assented to by the Canadian Pacific Railway Company and the city of Moosejaw. This the company has not done; it has merely advised the Board that it has been unable to effect any arrangement as to the division of cost with the Canadian Pacific Railway Company.

Under the circumstances, no order will be made until the proper consent for the closing of the Government road over the tracks of the Canadian Pacific Railway Company is filed with the Board.

Commissioner Goodeve concurred.

Orders issued authorizing diversion and closing of road allowance; applicant company to construct a subway—C.P.R. Co. to contribute \$2,000 towards expenses of diversion and structure.

July 4, 1913.

RE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RY. AND G. T. R., OVER COBOURG  
AND GRAFTON ROAD.

Crossing of the Campbellford, Lake Ontario and Western Railway Company, over the  
Cobourg and Grafton Road.

Assistant Chief Commissioner SCOTT:

The application of the Campbellford, Lake Ontario and Western Railway Company for authority to lay its track over the Cobourg and Grafton road, a short distance east of Cobourg, within a few feet of the point where the double tracks of the Grand Trunk Railway Company cross that highway on the level, has led to the suggestion that a subway should be constructed at that point to carry the highway underneath the tracks of the two railway companies. If such a subway were constructed it would prevent an additional grade crossing on this important highway and eliminate the existing crossing of the two main line tracks of the Grand Trunk.

The matter was discussed before the Board at several sittings; and Commissioner Mills and I examined the location a short time ago.

The Cobourg and Grafton road (sometimes called the Kingston road) is probably the most important highway in the eastern part of Ontario. It is heavily travelled at all periods of the year; but especially during the summer months, when the shores of lake Ontario are visited by tourists and summer residents. In addition to the usual vehicular travel which is to be found on a highway through a well developed agricultural section in the neighbourhood of centres of population, there is a steadily increasing motor car travel on the Kingston road. A short distance east of the site of the proposed subway, there is a crossing over this highway by the tracks of the Canadian Northern Railway Company; and, at that point, the Board, after giving the matter careful consideration, deemed it proper to order that company to construct a subway carrying the highway under its tracks. That subway is on the line of the highway; so the vision of those driving on the highway in either direction is not obstructed.

Speaking generally, I am opposed to the construction of subways which necessitate a diversion from the straight line of the highway. I believe they are apt to be dangerous, unless the angle is sufficiently obtuse to permit of a view through the sub-



way from a reasonable distance at each end. Usually a diversion in the highway is asked by the railway companies in cases of subways where they desire to put the subway at right angles to the railway track, and thus make the construction of as cheap a character as possible.

In this instance, it has been suggested by the railway companies that if a subway is required, that highway should be diverted. I do not see why people who are travelling on an old established highway, like the Kingston road, should be called upon to submit to the inconveniences and danger of a diversion in the highway, to save the railway companies' expense; especially in a case like the present, where the highway is many years senior to the older of the two railway companies.

I think the present is a proper case for the separation of grades; and the subway to be constructed should be on the lines of the highway, so that the view through it may not be obstructed.

Some time ago, I asked the Campbellford, Lake Ontario and Western Railway Company to prepare a plan showing a subway on the line of the highway. Such a plan has been put in. It is signed by Mr. Ramsay, engineer of construction, and dated, at Montreal, May 30, 1913. It shows a 30-foot road way with a headroom of 14 feet clear. This, I think, is satisfactory and should be approved of by the Board. The plan shows supports in the centre of the highway underneath the railway tracks. With regard to the question of whether such supports should be permitted to be put in or not, Mr. Beatty, general counsel of the Canadian Pacific Railway Company, who appeared for the Campbellford, Lake Ontario and Western Railway Company stated, in a letter to me on the 11th June last, that—

“there might be a slight saving in the cost of the steel work by putting in the centre supports, but this would be very small indeed.”

If the centre supports can be eliminated, it makes a better subway from the point of view of those using the highway; and, therefore, bearing in mind the statement that the elimination of these centre supports would be a very slight saving in the cost, I think they should be eliminated and a one-span subway constructed.

With regard to the drainage of such subway, the Board is assured by its chief engineer that it can be drained.

It remains now to be determined how the cost of the subway shall be apportioned between the parties interested. I thought the expense could be reduced somewhat by having the line of the C. L. O. & W. diverted slightly so that the track of that company and the two tracks of the Grand Trunk Railway would be as close together as possible at the point of crossing; but, the C. L. O. & W. Railway Company objects to its line being diverted for this purpose. That company, under the law as it now stands, will have to bear the entire cost of the portion of the subway necessary to carry the highway underneath its track; and, I therefore do not think it reasonable to insist on any change in the location of its track.

The C. L. O. & W. Railway Company should, therefore, pay all the expense of the construction of the subway from its eastern end to a line drawn parallel to its track, and half way between that track and the more southerly track of the Grand Trunk Railway Company. The remaining portion of the subway will be for the purpose of carrying the highway under the two main line tracks of the Grand Trunk Railway Company.

Under the Railway Act we are permitted to give a contribution of \$5,000 out of the Railway Grade Crossing Fund, which I think should be done; and, we are also permitted, if we think proper, to assess a portion of the cost on municipal and other interests who will be benefited by the construction of the subway. The highway is owned by a toll road company. It will certainly be a benefit to that company to have the present crossing of the Grand Trunk tracks at grade done away with; and, bearing in mind the importance of the highway and the nature of the travel upon it, it seems

## SESSIONAL PAPER No. 20c

to me that the county of Northumberland, the township of Hamilton, in which the crossing is situated, and the township of Haldimand, whose inhabitants will be much benefited, should contribute something.

Under the Ontario Municipal Act, municipalities can raise money by debenture without the submission of a by-law to the electors, and without special permission from the Provincial Legislature to pay a contribution towards the expense of improvements of this kind when ordered to do so by this Board.

After deducting the \$5,000 contribution from the Railway Grade Crossing Fund, I think the remainder of the cost of the work should be apportioned as follows:—

	Per cent.
Cobourg and Grafton Road Company .. . . .	10
County of Northumberland.. . . .	10
Township of Hamilton.. . . .	5
Township of Haldimand .. . . .	5
G. T. Ry. Co... . . . .	70

I think an order should go approving of separation of grades as shown by the plan already referred to, with the elimination of the centre supports under the tracks; and, that the cost of the work should be apportioned as I have indicated; the maintenance of the abutments and superstructure to be at the expense of the railway company, and the roadway, or floor thereof, at the expense of the Cobourg and Grafton Road Company.

Commissioner Mills concurred.

Ordered accordingly.

July 11, 1913.

Assistant Chief Commissioner SCOTT:

By order No. 20228, dated 14th August last, a subway was ordered at the crossing of the Grand Trunk over the Cobourg and Grafton road some distance east of Cobourg; and the cost of the work was apportioned as follows: 5,000 from the Railway Grade Crossing Fund. Of the remainder, 10 per cent to be paid by the Cobourg and Grafton Road Company; 10 per cent by the united counties of Northumberland and Durham; 5 per cent by the township of Hamilton; 5 per cent by the township of Haldimand; and 70 per cent by the Grand Trunk Railway Company.

After this order was issued, a communication was received from the solicitors of the Cobourg and Grafton Road Company, stating that they had not had sufficient opportunity of placing the views of their clients on the question of contribution of the cost of the work before the Board, and asking to be heard. They were notified that the Board would consider any submission they desired to put in in writing.

In a memorandum, dated 22nd September, 1913, the road company submitted its reasons why it should be relieved from the 10 per cent contribution towards the expense of the subway and, among other things, submitted that the town of Cobourg was materially interested and would be benefited by the construction of the subway, and should, therefore, be ordered to bear the portion of the cost which had been placed upon the road company.

A copy of the submission of the road company was sent to the town of Cobourg; and, in a letter from the solicitor of the town, dated 24th September, 1913, and in a memorandum from the town council, dated 8th October, 1913, the views of the town in the matter are set out. A copy of the town's submission has been sent to the road company, and in a memorandum, dated October 15, that company answers the contention of the town.

This matter is, therefore, now ripe for final disposition by the Board. Under subsection 3 of section 238 of the Railway Act as enacted in chapter 32 of the statutes of 1909, the Board has power to apportion the cost of the work for the separation of

5 GEORGE V., A. 1915

grade crossings as it deems proper. The Cobourg and Grafton Road Company own the highway in question. The elimination of a dangerous grade crossing over that highway makes it safer for the public to travel on it, and therefore, increases the value of the property of the road company. The use of the highway by the public should increase with the improvement of the road, brought about by the elimination of this element of danger to those travelling on it. The greater the use of the road, the greater the Company's revenue from tolls will be. This being so, it is surely reasonable that the small percentage of cost of the construction of the subway, which we placed upon the road company by our order of August last should be paid by it. It is pointed out by the road company that its source of revenue is limited, and that because of additional repairs which it had to make a few years ago, it has no available funds with which to pay the contribution ordered. It seems to me, this is not a matter with which this Board is concerned. The road company will undoubtedly be benefited by the construction of the work ordered and I do not think we should interfere with the order already issued.

Commissioner Mills concurred.

October 16, 1913.

#### NORTH TORONTO GRADE SEPARATION.

Assistant Chief Commissioner Scott:

When the question of grade separation on the existing tracks of the Canadian Pacific Railway Company and the tracks which the Canadian Northern Railway Company is applying for permission to lay in North Toronto, was before the Board at a sittings in Toronto, on the 23rd May, 1912, we did not finally dispose of the question of the height of the subways which were to be constructed at Davenport road, Howland avenue, and Shaw street. At these streets the railway companies suggest that a headroom of 12 feet would be sufficient. They asked for the approval of such headroom in these three subways in order to save the additional expense of the extra land damages which would result from the extra two feet excavation which a 4-foot headroom subway would require. The extra 2 feet would also impose, for all time to come on those travelling through the subway, the additional burden of the extra grade on the approaches on each side of the subways, made necessary by the extra 2 feet in depth.

It is suggested by the city of Toronto that the additional 2 feet headroom at these three subways should be obtained by the raising of the tracks of the railways 2 feet higher than is shown on the profile approved by the Board at the hearing over a year ago. There is no reason why the Board should alter the decision it came to a year ago to approve of the railway companies profile. The reasons for such action as expressed in the judgment of the Board at that time are just as apparent to-day. It is therefore a question of whether these three subways should be made 2 feet deeper or not.

Taking the three streets in their order, going westerly. The first one is Davenport road. At that point Davenport road and Poplar Plains road are diverted to join each other north of the tracks and pass under the railway in a single subway. There are now street cars on Davenport road north of the tracks. They do not, as yet, run down Davenport road as far as the railway tracks; but, it may be, at some future date this line of street cars will be carried further southeast to connect with some of the other lines of street car tracks in the city. Fourteen feet headroom is necessary where a trolley line is maintained. In addition to this the traffic of two highways will be passing through this subway. I think it not unreasonable to accede to the request of the city of Toronto, that the subway at Davenport road be given a headroom of 14 feet.

Going westerly from Davenport road they have a 14-foot subway at Spadina, and a 12-foot one at Howland avenue. I think the railway company should be permitted



## SESSIONAL PAPER No. 20c

to limit the headroom of the Howland avenue subway to 12 feet. It is not a very important thoroughfare. There are no street cars now on Howland avenue, and it is unlikely that there ever will be any. There is a 14-foot subway on the next crossing east at Spadina road, and a 14-foot subway at the next crossing west on Bathurst street. A 12-foot headroom will accommodate all ordinary traffic; and, if there is any load of an extraordinary height requiring a clearance of more than 12 feet, it would not be a hardship to have it driven to Spadina road or Bathurst street to cross underneath the tracks.

As far as Shaw street is concerned; it is, to my mind similar to Howland avenue. It has Christie street to the east with a 14-foot headroom, and Ossington avenue to the west with a 14-foot headroom; and I think, for the reasons just stated why 12-foot headroom should be permitted at Howland avenue, that a 12-foot headroom should be approved also on Shaw street.

I come to this conclusion with regard to headroom in these three subways after having visited the three highways in question on Friday last, the 11th instant, in company with Mr. Commissioner Goodeve, and representatives from the city of Toronto and the railway companies interested.

I am aware that the whole question of the North Toronto Grade Separation has been appealed by the city of Toronto to the Governor in Council. I do not think the settlement of details such as those before us can in any way affect the appeal or prejudice parties concerned. The railway companies are pressing to have this matter disposed of; and, before making the inspection, I recently did, I got the acquiescence of the railway companies and the city of Toronto to my doing so. The railway companies are, of course, aware of the appeal taken by the city of Toronto, and they are aware that the settlement of these details must be subject to the appeal, and without prejudice to the rights of the city of Toronto.

On this understanding, provided other details are satisfactory to him, our engineer can approve of plans showing a headroom at Davenport road of 14 feet, and at Howland avenue and Shaw street of 12 feet.

Mr. Commissioner Goodeve concurred.

July 17, 1913.

## RE SUBWAY UNDER G. T. R. TWO MILES WEST OF BROCKVILLE, ONT.

Mr. Commissioner MILLS:

Some time ago, Mr. G. C. Cumming, of Lyn, a station on the Grand Trunk railway a short distance west of the crossing in question, applied to the Board for an order directing the Grand Trunk Railway Company to construct a subway under its tracks where they cross the highway between Lyn and Brockville, on lot 21, concession 3, township of Elizabethtown, mileage 127.77 from Montréal.

The crossing was examined by one of the Board's inspectors, and by Assistant Chief Engineer Simmons. The former recommended the construction of a subway, on the ground that the crossing is a dangerous one and the approach on the south side is on a steep grade to the level of the tracks and therefore lends itself to easy and inexpensive construction; and the latter, while admitting the correctness of the statement regarding the southern approach, calls attention to the fact that the northern approach would make the construction very difficult and expensive, inasmuch, as it consists of a ledge of rock rising for some distance, say an eighth of a mile, from the railway.

Because of this difference in opinion, Commissioners Goodeve and Mills inspected the crossing on the 26th July, and found the facts to be as stated by Engineer Simmons, who estimates that the cost of such a subway would be between \$25,000 and \$30,000, and that the northern approach to the subway would have to be carried a long distance before the surface of the ground would be reached on a standard grade.

5 GEORGE V., A. 1915

No doubt the crossing is somewhat dangerous, as are very many other crossings over our lines of railway throughout the Dominion; but the view on the south side is good in both directions, and the view on the north side is equally good of trains approaching from the east, while the view of trains approaching from the west is somewhat obstructed by the ledge of rock referred to and some trees or shrubbery thereon; but there is a clear opening three or four hundred feet from the track, which enables one driving on the highway to see a train approaching from the west more than 1,000 feet from the crossing; and at 50 feet from the crossing there is a good view of the track for a considerable distance west.

Mr. Cumming claims that the highway is senior to the railway, while Mr. Biggar in a letter dated November 11, 1912, uses the following language:—

“With regard to Mr. Cumming’s statement that the highway is senior to the railway, it appears from our records that the highway is on lot 21, in the first concession of the township of Elizabethtown, county of Leeds, and the deed of our right of way, dated 29th August, 1885, registered 26th June, 1886, conveys to the company a strip of land 100 feet wide running right across the lot. From this it would appear that the railway is senior to the highway.”

If it should be established that the facts are as alleged by Mr. Biggar, I am satisfied that the municipality would not be prepared to undertake the construction of a subway, as requested by Mr. Cumming; and, without attempting to decide the question of seniority, I think that, while it might be advisable to construct a subway if no serious obstacle were in the way, the facts and circumstances detailed above do not warrant the Board in granting the application.

Commissioner Goodeve concurred.

July 30, 1913.

RE GRAND TRUNK RY. CROSSING KING STREET, COBOURG, ONT.

Chief Commissioner DRAYTON:

The question as to the cost of maintaining a flagman for the purpose of protecting the crossing at King street, by the Grand Trunk railway, in the town of Cobourg, came on for hearing at the sittings of the Board held in Belleville on the 1st of May last, when the cost was apportioned 80 per cent to be paid by the Grand Trunk Railway Company and 20 per cent by the town of Cobourg.

At the hearing the town’s argument to the Board was not founded at all on the terms of a lease which the town granted to the Grand Trunk Railway Company of date May 7, 1907.

Application has since been made by the town for an order varying the Board’s order, and directing that the Grand Trunk Railway Company pay the whole cost, on the ground that the question is covered by this lease.

The argument of the town has been submitted to the railway company, whose answer has been filed and the matter is now ripe for action.

The instrument in question is a lease of portions of the harbour belonging to the corporation, made in consideration of rents reserved for a period of twenty-five years. The apparent object of the lease was to enable a car ferry service to be instituted for passenger and freight traffic. It stipulates in proviso 3:—

“In the event of the traffic and the movements of engines and cars of the Grand Trunk along the tracks so laid on Hibernia and Spring streets and across King street being so increased as to necessitate protection at said crossing of King street such protection will be provided as may be directed by the Board of Railway Commissioners for Canada.”

## SESSIONAL PAPER No. 20c

The municipality relies on this provision, alleging that the traffic and movements of engines across King street have so increased as to necessitate the protection which has been directed by the Board.

The railway company contends that the protection of this crossing is not part of the consideration for the lease, and that the intention was not that the railway company should pay the whole cost of the protection, but that the whole consideration under the instrument which the town was to receive for the rental of \$2,500 a year reserved, and that proviso 3 cannot be looked upon as enlarging the consideration which the town is to receive. The company further argues that the proviso in question is not an obligation imposed on the railway company in payment for the privilege granted, but is in fact an agreement that the cost of protection at the King street crossing resulting from the increased traffic, which both parties foresaw would follow from the car ferry service, should be apportioned as the Board might decide according to its usual practice.

The clause standing by itself does not in terms state by whom the protection to be provided is to be provided. On referring to the agreement, however, I think it is plain that the protection should be construed as protection to be provided by the railway company. Proviso 3 is preceded by the first proviso, which deals entirely with works to be done by the Grand Trunk Railway Company. Proviso 2 provides that the grade of the railway tracks shall not at any street crossing be altered from the grade of the present tracks, etc. It is to be observed that proviso 4, which is drawn for the purpose of throwing an obligation on the town, commences, "The town agrees," etc.

Unless the proviso was inserted as a proviso calling for protection by the Grand Trunk Railway Company, its insertion was entirely unnecessary. Its effect, as submitted by the railway company, adds nothing to the obligation of either party to this instrument. Protection, in any event, would have to be provided as directed by the Board and at such apportionment of cost as the Board might decide.

I, therefore, read the agreement as constituting an obligation on the Grand Trunk Railway Company, in the event of the traffic and the movements of engines across King street being so increased as to necessitate protection, to supply such protection as may be directed by the Board of Railway Commissioners for Canada; and I am of the opinion that the Board's present order should be amended by providing that the whole of the cost of the flagman, maintained at this crossing, should be paid by the Grand Trunk Railway Company.

Commissioner Mills concurred.

July 31, 1913.

Mr. Commissioner McLEAN:

The majority having in effect held that this is a question of law, the ruling of the Chief Commissioner on this matter must prevail under the statute. I therefore acquiesce.

Aug. 2, 1913.

Order accordingly, issued.

## RE WIDTH OF A SUBWAY UNDER THE G.T.R. AT CALLANDER, ONT.

Mr. Commissioner MILLS:

In *re* the matter of a dispute of the village of Callander and the township of North Himsforth, Ontario, with the Grand Trunk Railway Company regarding the width of a subway to be constructed on Bay street in the said village.



5 GEORGE V., A. 1915

The railway company has offered to construct on the said street a subway of the statutory height (14 feet clear headway) and a total width of 21 feet—4 feet for a sidewalk and 17 feet for the driveway. The village and municipality have appealed to the Board for two 6-foot sidewalks and a 20-foot driveway, or a total width of 32 feet.

Considering the present traffic and the outlook as reported by one of our inspectors, I do not think that two 6-foot sidewalks are really necessary or likely to be necessary; but it seems to be agreed that one sidewalk, say 4 feet wide, should be provided; and, Parliament having decided that subways in the open country should not be less than 20 feet wide (providing a driveway of that width), I see no valid reason why the Board should reduce the statutory width against the wish of the village and the municipality in this case.

Therefore, my opinion is that an order should go directing the railway company to construct a subway 24 feet wide—4 feet for a sidewalk and the statutory width of 20 feet for the driveway (see section 240 of the Railway Act); the company to submit plans for the approval of an engineer of the Board within thirty days from the date of the order.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

Aug. 6, 1913.

Ordered accordingly.

RE VIADUCT CARRYING BLOOR STREET ACROSS PROPERTY OF C.P.R., C.N.O.R. AND TO  
DANFORTH AVE., TORONTO, ONT.

Application of the city of Toronto, Ontario, for approval of plans of a viaduct carrying Bloor street across the property of the Canadian Pacific Railway Company, the Canadian Northern Railway Company, and the Grand Trunk Railway Company, to connect the existing highway with Danforth avenue east of the River Don.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the hearing, September 16, 1913:

The board is of the opinion that, bearing in mind the importance of the Canadian Pacific Railway right of way in the city of Toronto, the city has not made out a good reason why we should permit it to take the portion of land on the east side of the tracks, as shown on the plan, and therefore we will not approve of the plan as submitted.

Mr. COMMISSIONER McLEAN: I thoroughly approve of the city desiring to have a structure aesthetic in its proportions. The great difficulty that faces us, I think, is this: The very great expansion of traffic into the city of Toronto and the importance of the traffic facilities. Anything which hampers railway development in and out of the city in the long run would be detrimental to the city. Therefore, the traffic facilities have got to be considered first.

RE C. L. O. AND W. RY. CROSSING FORCED ROAD—TP. CAMDEN, ONT.

Application of the Campbellford, Lake Ontario and Western Railway Company to cross the forced road, lot 24, con. 8, township of Camden.

Oral judgment delivered by Chief Commissioner DRAYTON at the hearing in Cobourg, October 9, 1913:

Since the adjournment I have had the opportunity of considering the judgment of the late Chief Commissioner, Mr. Justice Killam (C.P.R. vs. North Dumfries, 6 C.R.C. 147) with Mr. English, who appears for the township, and Mr. MacMurchy, who makes the application.

## SESSIONAL PAPER No. 20c

It appears that the application is proper and that the order as asked is a proper order to be made, should the circumstances warrant it. The company's engineer has stated that the gravel is absolutely necessary for the company's purposes. The Board's chief engineer concurs in this.

An order, therefore, should go as prayed, as follows:—

The applicant company is authorized to construct and operate its tracks for a period of nine months from this date over a portion of the forced road running through lot 24, concession 8, township of Camden, county of Lennox and Addington, at mileage 46.3, on the line of the applicant company, on the following terms and conditions:

(a) That the company construct a temporary road diversion in lieu of that part of the forced road to be closed for the period of nine months from this date as shown on the plan filed on the application. This temporary diversion is to be put in a proper condition for traffic before the closing now authorized is made effective.

(b) The company must join the gravel pit sidings to its main line from time to time in such a manner that only one railway track will cross the road diversion; and maintain, during the nine months period, the road as diverted, in a proper state of repair for public traffic, as well as the side road between lots 24 and 25, the intention being that both highways must at all times be fit and proper for vehicular and pedestrian traffic.

(c) The company to protect any excavations which it may make for the purpose of obtaining gravel, where adjacent to any travelled highway, in a manner to the satisfaction of the Board's chief engineer.

(d) The company shall give to the township the gravel in and under the portion of the forced road now closed, or an equivalent amount from some other part of the pit, free of charge.

(e) The company, at the expiration of the period of nine months, shall restore the said forced road diverted and leave the same in good condition for public traffic, to the grade as shown by the profile filed and to the satisfaction of the chief engineer of the Board.

(f) The company shall also maintain such portion of the said forced road for a period of one year after the reconstruction is completed.

(g) Apart from all questions of public damage resulting from the road diversion, two particular persons are injured in a direct and specific manner, capable of ascertainment. They are Edward Wagar, who has a mail contract, and John Kellar, who has a contract with farmers in the neighbourhood for carrying milk. The diversion lengthens, perhaps not to a very great extent, the total distance which they have to carry in carrying out their contracts, based upon a given mileage. The company should compensate these parties. If the matter cannot be arranged by mutual agreement, the proper person, under the circumstances, to fix the peculiar damages suffered, is the County Judge of the County of Lennox and Addington, to whom the matter will be referred if necessary.

Ordered accordingly.

RE LAKE ERIE AND NORTHERN RAILWAY CROSSING BRANTFORD STREET RAILWAY.

Chief Commissioner DRAYTON:

This is an application made by the Lake Erie and Northern Railway Company for an order amending order of the Board No. 19304 as amended by order No. 19468.

The whole question for decision is as to whether or not the ordinary rule of seniority should apply not only to construction, maintenance, and their costs, but also

to the operation of cars. There is no question at all as to what the usual rule is, nor as to its justice. The senior road maintains its seniority in train movements as against the movements of the junior line in all cases that the Board has hitherto considered. It is also true that the question of seniority has not yet been advanced by a city street car line against a steam railway company. This seems to be the first time that the general rule has been invoked under such circumstance. In all large cities there are, unfortunately, more or less grade crossings, and in every instance while the steam road if junior pays for the construction and for the maintenance of the necessary crossing works, in like manner in every instance its trains are given priority over highway traffic, and in this highway traffic has been included traffic on the local trolley line. This is the situation in Brantford in the present case; that is, the Brantford street railway is a street railway system operating along the highway. Under the authorities dealing with the proper use of highways, street railways have been considered merely as an extension of the uses contemplated by the original dedication—a proper highway use. With the exception that street cars, not being able to leave their rails have subject to the exigencies of ordinary traffic, right of way over that portion of the highway occupied by the line, their operations are not distinguishable in principle from any other lawful use of the highway.

Sooner or later this crossing will have to be protected with gates and watchmen in addition to the interlocker protection that is already afforded and which the steam railway have to pay for. Very cogent reasons would be necessary to justify a change in usual rule providing for the operation of gates and with which those using the highway are familiar. Grave dangers might result from a change of the present practice. It is argued that a distinction cannot be made and that a provincial line has just as much right to maintain its seniority as a Dominion line. No distinction can properly be drawn depending on the accident of incorporation. If the Brantford Street Railway instead of being a street railway was an ordinary railway, although subject to provincial jurisdiction, its seniority would have to be maintained throughout. The actual operating conditions are entirely different here. The safety of those travelling both on the trains and on the highway calls for uniformity of practice, and in my view the trains of the Lake Erie and Northern Railway Company should, therefore, be treated as senior.

In support of their position, the solicitors for the Grand Valley Company which operates the Brantford Street Railway forwarded the contract between the Grand Valley Railway Company and the city of Brantford, under which the Grand Valley Railway Company agreed with the city that the street car tracks should be extended and that interurban cars might pass over the tracks and only make one stop on the line within the city limits, and argue that the position is not to be considered as one taken merely by a street railway company but it is to be considered in view of the fact that this line may be used for radial purposes by a system in competition with the applicants. However, this may be, it still remains a street crossing. I think that if railways manage to get free rights of way from municipalities allowing them to use highways for freight and ordinary railway purposes, that the railway that is fortunate enough to get this right cannot complain of being treated as an ordinary highway occupant or user and subject as such to the prevailing practice. I am, therefore, of the view that seniority should be accorded by the Board to the trains of the Lake Erie and Northern Railway Company.

October 16, 1913.

RE HIGHWAY CROSSING PÈRE MARQUETTE R.R., SARNIA.

Chief Commissioner DRAYTON:

This is an application made by the corporation of the town of Sarnia, Ont., for the Board's order granting the corporation leave to open up and construct its highway across the right of way and tracks of the Père Marquette Railroad Company at the south limit of the said town of Sarnia.



## SESSIONAL PAPER No. 20c

The company's answer objects to the crossing on the ground amongst others, that, if the highway is constructed at the proposed point, the crossing, owing to the location and curve in the railroad of the company and the surrounding conditions, will be one of great danger, so that it will be impossible to use the highway with any degree of safety except by going to the expense of gates, a tower or other safety devices.

The company further submits that the crossing at this point means the expenditure of money in raising tracks to which the railway company should not be put.

The company also claims in its answer that, in any event, the crossing is not necessary, and that the highway which it is proposed to cross the tracks is, in fact, constructed for experimental purposes by the Ontario Government with the view of testing and trying out certain classes of pavement for country roads.

At the hearing, the company confined its objections entirely to the question of what future protection this point would need. Counsel did well to abandon the other objections raised. The road as constructed forms a great public convenience and an admirable approach to the municipality from the river road. It was apparent at the hearing that a large volume of traffic used the road in approaching from the south.

Mr. Brecken, for the company, makes his position clear that if the road is opened, if it is now or hereafter necessary to protect it, that the railway company should not be put to any expense of any kind whatever. This position could be better taken if the highway crossing on the Père Marquette at Sarnia were not in the dangerous condition in which they are. Whether the unsatisfactory condition of highway crossings over the Père Marquette is the result of an improper municipal town and railway layout, in the first instance, or is merely an unrestrained growth, need not now be considered; but it seems to be that the opening of this new street is the first attempt that has been made to make crossings less hazardous. Pedestrians, and those using vehicles, entering Sarnia at present by way of the river front, instead of having to pass two tracks, now, apparently, pass many tracks, some of which come suddenly on to the highway, giving those using it very little notice of their danger.

It would be a mistake to treat this application simply as an application to create a new street crossing and thereby create additional danger. It should be looked upon as a new method of crossing the railway tracks, less dangerous than that which has hitherto been employed. The municipality closes a part of the river road lying between the new crossing and the town, and the result is that those using the river road in approaching Sarnia, instead of crossing a large number of tracks as they hitherto have done, will simply have to use this one crossing, and cannot continue along the river road.

It would be entirely unfair and improper now to make as a term of the opening of the street the stipulation that the municipality should be at all the cost for protection. Usually, it is true, that the municipality, in opening up a new road, is at all the cost. In this case, I look upon the new highway as in fact a substituted road. This is a benefit not only to the municipality, but to the railway itself. It relieves the railway tracks, between the new road and the town, and along the line of the old river road, of all uses except that of a purely local character going to and from the industries located on the line of the railway. The crossing is not, perhaps, an ideal one; it is not without some danger (nor is any other crossing), but is the best that can be put in under the circumstances.

The order for the crossing, therefore, should be made.

The crossing is to be constructed up to the Board's regulations.

The company's submissions that it will have to raise its tracks if the order is made is quite right. Service tracks which are out of level must be raised to level. This work will cost between two and three hundred dollars.

The order will also provide that the company must keep its cars 75 feet back from the edge of the crossing on either side, so as to give those using it a proper view; and protection by an electric bell seems to be necessary.

5 GEORGE V., A. 1915

Under all the circumstances, I am of the view that the unusual expense in connection with this matter should be divided between the parties as near as may be. I think that the municipality should pay for the installation of the electric bell (a matter of some \$300 or \$400), and the railway company should be at the expense of bringing its tracks up to the grade, and also be made at the expense of maintaining and operating the electric bell after its installation.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

Ordered accordingly.

October 20, 1913.

RE REGINA STREET RY. CROSSING C. P. R. AT FOURTH AVENUE, REGINA, SASK.

Chief Commissioner DRAYTON:

This is an application made by the municipal corporation of the city of Regina for an order of the Board, under sections 227 and 228 of the Railway Act, authorizing the municipality to cross with its municipal street railway the Bulyea and Colonsay branch of the Canadian Pacific Railway Company, at rail level, at the intersection of Fourth avenue immediately south of blocks 11 and 12 Eastview.

The application was heard at the Board's sittings held in Regina on the 29th of May, 1913.

The only question requiring the matter to be reserved was that as to whether or not the construction of the Canadian Pacific should or should not be looked upon as senior to the public highway at this point, the opinion of the Board being that, so far as the crossing as such was concerned, no reasonable objection could be taken to its construction. An opportunity was given the parties to file written arguments on the question of the title, which has been done.

The position taken by the company was that no order of the Board had ever issued establishing a crossing; while, in 1907, a location plan of the railway covering the land where the city desires the crossing was approved by the Board under the provisions of the Railway Act and duly filed; that expropriation proceedings were taken under this plan and an award made covering all the property; that, subsequent to the making of the award, the owner filed a plan subdividing Eastview (on the 9th May, 1908); but that, notwithstanding this fact, the full amount of the award was paid and an undertaking taken from the solicitor for the owner as follows:

"That in consideration of the payment of \$13,850 being paid to us to-day, being the amount awarded J. K. MacInnes in the above arbitration, together with the costs of arbitration, we hereby agree to obtain for you any documents whatever which may be necessary to complete title for the C.P.R. right of way, and, if necessary, procure the signature of J. K. MacInnes as may be required."

The undertaking was necessary by reason of the fact that the subsequent plan having been filed the registrar objected to register a transfer covering the lands called for by the original plan, and drawn without having any regard to the changed conditions brought about by the plan of main line, 1908.

At the hearing, Mr. Grosch, who appeared for the municipality, relied on the registration of the plan setting aside and establishing a highway, and that the result of such registration was to vest the highway under the provisions of chapter 41 of the Revised Statutes of Saskatchewan in His Majesty in the right and to the use of His province of Saskatchewan; and that, now that the *locus in quo* now lies within the limits and forms a part of the city of Regina, the city of Regina could claim to stand in the same position.

As intimated at the hearing, I am of the view that Mr. Grosch's contentions were correct. The question is specifically covered by chapter 41 of the Revised Statutes of 1909, section 79, subsection 5. Reference may also be had to *Edmonton vs. Edmonton, Yukon, and Pacific Railway Company*, XIII Canadian Railway Cases, 128.

## SESSIONAL PAPER No. 20c

There being no doubts as to what the effect of the registration of a plan is, the only question remaining to be considered on which the matter can turn is the plight of the title at the time the plan was registered. Mr. Grosch urges that there was no registration of the railway location plan of 1907, and that, whatever effect that plan might have, apart from the Saskatchewan statute already referred to, its section 70 provides that instruments registered in respect of or affecting the same land shall be entitled to priority, the one over the other, according to the time of the registration, and not according to the date of execution; and Mr. Grosch cites *re Grand Trunk Pacific Branch Lines*, 22 W. L. R. 515.

The railway company's argument is that the Dominion Parliament has fully provided for the manner in which lands required for railway purposes are to be acquired, pointing out that the company shall deposit copies of the approved plan in the office of the appropriate registrar of deeds or land titles; that, under section 191, after the expiration of ten days from the deposit—and after notice thereof has been given in at least one newspaper in each of the districts and counties through which the railway is entitled to pass—application may be made to the owners of lands—and thereupon agreements may be made with such persons touching the said lands, etc.; that by section 192 (1) the deposit of the plan, profile, and book of reference and the notice of such deposit shall be deemed a general notice to all the parties of the lands which will be required for the railway and works.

The railway company further submits that, having taken the proper steps contemplated by the Railway Act, and carried out the proposed construction called for by the plan of 1907, and finished the construction of its line in the latter part of 1909, that the registration of the plan of 1908 cannot control or curtail the rights of the company. So far as the construction is concerned, it was, of course, completed at a date subsequent to the filing of the plan of 1908. No evidence has been given as to when it was commenced, so that the only question to be dealt with is the effect of filing the company's plan of 1907 and subsequent proceedings taken thereunder for the acquisition of lands agreeable to the provisions of the Railway Act.

There is a conflict between section 191 (1) of the Railway Act providing for notice, and that section of the Land Titles Act of Saskatchewan already referred to providing that priority of registration shall in all instances apply having regard to the practices which have obtained in the local Land Titles Office. Not only was the location plan not in any way registered against the property in question—and perhaps it could not have been—but no notice is taken of it by the Registrar who accepted plan of May, 1908, as proper and sufficient, and duly registered it.

Neither party to the issue has referred me to section 77 of the Act, which provides that any plan, prepared in accordance with the provisions of any Act of the Parliament of Canada, and which has been lodged or filed with the registrar under or in accordance with the provisions of any of the said Acts, shall be dealt with and recognized by him in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with the provisions of this Act.

This section would seem to have been passed to provide for a situation such as this. In the words of the section, this plan, prepared as it was in accordance with the provisions of the Railway Act, was lodged with the registrar, but was not dealt with or recognized by him as if it had been a plan prepared and filed or registered under and in accordance with the provisions of the Act.

The section is not considered in *re Grand Trunk Pacific branch lines*, 22 W.L.R., 515. In that case the company sought to continue a caveat. The location plan which had been filed was held to show in the company an interest in the lands sufficient to support the caveat. This authority falls short of deciding that, apart from the caveat, no effect could be given to a railway location plan properly filed in the land titles office.

Apart from section 77, I am of the view that the Dominion legislation governs.



Proposition 46 of Mr. Lefroy's book on the Legislative Power in Canada, reads as follows:—

"Where in respect to matters with which provincial legislatures have power to deal, provincial legislation directly conflicts with enactments of the Dominion Parliament—whether the latter immediately relate to the enumerated classes of subjects in section 91 of the British North America Act, or are only ancillary to legislation to the said classes of subjects, or are enactments for the peace, order, and good government of Canada, in relation to matters not coming within the classes of subjects assigned exclusively to the provincial legislatures, nor within the said enumerated classes of section 91—the provincial legislation must yield to that of the Dominion Parliament."

Full effect has been given to provisions of the Railway Act which directly affect property and civil rights, as for example, those authorizing the compulsory taking of property, fixing the manner in which compensation shall be made and the basis on which it shall be estimated, and matters of conveyance where those interested have no right in law to convey land.

In support of the principle laid down by Mr. Lefroy, reference may be had to *Tenant vs. Union Bank* (1894 A.C. 45), where it is pointed out that among the enumerated classes of subjects under section 91 of the British North American Act occur "Patents of Invention and Discovery" and "Copyrights," and that it would be practically impossible for the Dominion Parliament to legislate upon either of these subjects without affecting the property and civil rights of individuals in the province.

I do not think that it can be successfully urged that the legislation affecting the acquisition of property for the construction of railways is not a matter at least ancillary to legislation governing Dominion railway undertakings. The question apart from a matter of principle in so far as this application is concerned, is not of much moment. The municipality desires a recognized legal highway at this point, and there is no reason why it should not be granted.

The appropriate order will go in the usual terms permitting the municipality to make the highway crossing—if it has not already been put in.

Then, so far as the construction of the street railway is concerned, no reasonable objection can be urged to its construction, and the order will authorize the municipality to build its electric line over the tracks of the Canadian Pacific at this point. The municipality will, of course, be at the cost of laying its tracks and installing proper and sufficient diamonds. The crossing must be protected, and the order will provide for the installation of an interlocker (the points set against the electric road), and the plan of the layout to be approved by the Board's engineer. In so far as the cost of protection is concerned, one-half of the installation and maintenance will be paid by the railway company and one-half by the municipality, the interlocker to be operated by the conductor of the city line, who will set signals at danger in the steam railway, close the derails in the street railway, permitting the street cars to cross the crossing, and then reverse the operation.

Order, in accordance with the judgment, issued.

October 21, 1913.

RE RECONSTRUCTION OF BRIDGES ACROSS GRAND TRUNK AND CANADIAN PACIFIC RAILWAYS AT STRACHAN AVENUE, TORONTO.

Chief Commissioner Drayton: This is an application made by the city of Toronto for approval of a plan showing the reconstruction of bridges across certain tracks of the Grand Trunk and Canadian Pacific Railways at Strachan avenue, Toronto.

These bridges are city bridges, erected by the city apparently at its own cost, the responsibility for maintenance also being on the city.

## SESSIONAL PAPER No. 20c

The city's representatives urge that the present condition of the bridges is such that it is dangerous to maintain them in their present state, and that it is absolutely necessary to rebuild them at once. The city's application, then, merely is that it desires, at its own cost and expense, to rebuild and put in a proper state of repair a public highway or means of communication which the municipality is bound to maintain. Under such circumstances, it seems to me that the order as asked should go, subject to certain qualifications.

The bridges as now constructed only provide a clearance of from 17 to 18 feet. Since the bridges have been constructed an amendment has been made to the Railway 6 inches, except in cases where the Board permits a lower clearance. Since this Act 6 inches, except in cases where the board permits a lower clearance. Since this Act has been passed, full effect has been given to it by the Board. No clearances under 22 feet 6 inches, that I know of, have been allowed, except in cases where the special circumstances obtaining render it unnecessary to require the statutory clearance, so that the enforcement of that clearance would merely mean an unnecessary expense to the parties. No such circumstances have been shown here.

At the hearing, the companies were asked as to whether it would not be feasible in this case to have a general order made prohibiting railway employees from going on the tops of the cars in this district. The companies, at the hearing, did not give a definite answer one way or the other; but Mr. Farrell, who is Superintendent of Toronto Terminals of the Grand Trunk Railway System, has since written saying that his company cannot make any such regulation at the point in question.

As Bathurst and John street, on the one side, and Dufferin street, on the other, provide proper clearances, and as operations at the point in question are practically similar to those at the other points noted, and call for similar practice so far as the duties of brakemen are concerned, I am of the view that it is impossible for the Board to make any order that employees shall be kept off the tops of cars. Under these circumstances, the statutory clearance must be given. The companies will require for the proper operation of their lines, and as called for by the viaduct improvements as ordered, an additional track to the tracks now running under the bridge on the Grand Trunk right of way. The piers of the city bridges must be arranged in such a way as to allow for the construction of this additional track. The necessary details will be settled, in case of dispute between the parties, by the Board's chief engineer. The bridges should also be arranged to allow two tracks along the line of the Canadian Pacific Railway to Queen's wharf, these tracks being necessary for the proper accommodation of the business of Toronto. On the record as it stands, the whole cost is that of the city.

Apparently, all the property on which the bridges are to be built belongs to the railways, with the result that, by common consent the matter is being treated entirely as one that the city should pay for. Leave, however, is reserved to the city to make such application as it may be advised for an order requiring contribution from the companies, in so far as any additional expense for new tracks is concerned, as it may be that this aspect of the case should be developed.

Objection to the structure is also urged by the John Inglis Company and by the Canadian Oil Company, on the ground that these works will result in serious injury to their properties and to their businesses. I do not think that it is the duty of the Board to interfere as between the ratepayers and the corporation in a case of this character. The two objecting industries think that the city should swing the bridge and build it on its own property to the east. The city is responsible for damages both direct and consequential,—is fully seized of the whole situation, and, in my view, is the best judge as to the requirements of its highway traffic at this point. I think, however, that, after the view that the Board had of the *locus in quo*, the civil authorities themselves are of the view that the bridge can be put more to the east side of the highway, and thus minimize damages resulting from its construction. In my view, however, as I have already stated, this is a matter for the city to consider.

5 GEORGE V., A. 1915

The only question which it seems to me is properly open to the Board is the question as to the grade of the approach. The sharper the grade the less the bank in front of the Inglis property. The regular requirements of the Act call for a 5 per cent grade. No special circumstances have been shown here which would justify against the protest of the Inglis Company of a departure from the statutory rule. The slopes, therefore, in my view, should be constructed at a grade of 5 per cent; but I think that leave should be reserved to the city to make out a case for reduced grade, if desired.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

Order, in accordance with the judgment, issued.

October 21, 1913.

RE OPENING OF PEACE AND ATHABASCA AVENUES ACROSS CALGARY AND EDMONTON RAILWAY—CITY OF EDMONTON, ALTA.

Application of the corporation of the city of Edmonton, Alberta, under section 237, for authority to construct highways across the railway and yards of the Calgary and Edmonton Railway Company, within the limits of the city, for the purpose of opening up Peace avenue and Athabasca avenue across the said railway either by means of an overhead bridge or subway.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing in Edmonton, October 31, 1913:

The issues raised in this case are difficult; but the Board has been favoured with careful argument by both gentlemen appearing, and there is no reason why we should not get rid of it without further delay.

On the 27th of May, 1905, the location plan of the Calgary and Edmonton Railway was filed. That is the first interference, so far as we know and so far as the plans are concerned, with the property in question. That plan shows that on the 27th of May, 1905, no streets existed at the points where Peace and Athabasca streets are now sought to be opened across the railway tracks. The more recent plan, filed in November, 1905, is fairly good evidence as to the correctness of the location plan, since it (the more recent plan) opens streets and subdivides a neighbourhood that apparently had not previously been subdivided, as shown by the later plan itself.

Therefore, I take it that—apart from any question of onus, which under the Board's practice generally lies on the person attacking the plan, to show that it is incorrect—there were no highways at the points in question on the 27th of May, 1905, when the location plan was filed.

Now, as to the effect of the location plan. Objection has been taken to plans of this kind on different grounds; sometimes that, under the provisions of the B.N.A. Act, the Dominion has absolutely no right to interfere with matters of title, as the filing of such a plan undoubtedly does, and that such legislation is without the authority of the Dominion Parliament. Mr. Biggar does not raise that point; and I think he is very well advised in not raising it. It is necessary, if railways are to be built, that lands have to be affected; it is a purpose at least ancillary to direct legislative powers of the Dominion under the B.N.A. Act, and I think the objections made in the past fail.

The result is that, if the location plan is properly registered, and if under the Railway Act, the effect of the registration of a railway plan is to affect interest in lands, it is effective, notwithstanding the fact that it deals with matters of property and civil rights.

Mr. Biggar's objections on the latter question, that is, as to the effectiveness of the plan, are twofold. In the first instance, he objects on the ground that the plan does not contain the information required by the Statute. I am going to find against Mr. Biggar on that point. The plans are drawn to a scale, the Book of Reference is



## SESSIONAL PAPER No. 20c

fairly complete, and the necessary information does seem to be given. Whether or not more information could have been given at that time I do not know; but on the record I find the plan sufficient for the purposes for which it was filed in 1905.

Then Mr. Biggar further objects that the mere filing of a location plan is not of itself sufficient to affect interests in property. The statute then in force, section 192 of the Railway Act, to which Mr. Biggar refers me, and which would seem to be the correct section, expressly provides that the deposit of such a plan shall be deemed a general notice to all parties of the lands which will be required for the railway and works.

I think Mr. Biggar's objection may be considered as well taken in part. The location plan may be abandoned; the contemplated arbitration may never proceed; and the notice which Mr. Biggar thinks is necessary under section 193 before the plan can be effective, may also be abandoned; and it would be absurd to say that, under such circumstances, the owner could not do anything with his property. In my opinion, the Act does not contemplate such a conclusion. I think all the Act means, is that so far as the ascertainment of interests in land for which compensation is to be paid is concerned, the date of the registration of the plan governs, and that any change, either in title or in improvement or in anything else in connection with the land, is subject to that date and to the notice resulting from the registration of the said location plan.

Under these circumstances, I think the right of the landowner to lay out the streets is subject merely to the railway's location plan and the rights which the railway company secured thereunder to proceed with the undertaking. In other words, if the proceedings go on, the line is built and the location plan stands; and subsequent registration of a plan opening highways is inefficient as against the railway company and does not discharge the railway's interest in the *locus in quo*.

Now, if I am right in that, it follows that the railway company is senior to the municipality in so far as the property in question is concerned.

But, over and above all this, the parties themselves come to an agreement, validated by the local legislature; and by the express terms of that agreement the city bound itself "to stop up and close the streets in question, if as a matter of fact, they were in any way streets, avenues, or highways." It was clearly open to the city to reserve the right that it desired to reserve, so long as the reservation of that right did not entirely defeat and nullify the real purpose of the agreement, which, so far as the streets are concerned, was to extinguish any right the public might have of using the continuation of Peace and Athabasca avenues across the right of way of the railway company. Effect can be given, in part, to the provision which is made at the end of the agreement, by construing it as reserving to the city the right at any subsequent time to move to open up these avenues—so the city's action, in entering into the agreement of October 20, 1909, cannot be looked upon as stopping the city from making application, if, in the view of the municipal authorities, circumstances have so changed as to justify the creation of new highways at the points in question. That is the effect I would give to that particular clause of the agreement, rather than read it in such a way as to nullify the main provision of covenant.

On the question of public user, I think the evidence fails to show that the original plan-filing was wrong. Mr. Biggar very frankly said, and there can be no doubt as to his correctness on this point—that there were no houses or development at this particular point in 1905. Traffic did subsequently grow up, houses were built, trails which were then devious became gradually defined by the development of the district; and undoubtedly there was crossing east and west, which was ultimately defined in connection with the development and acquirement of lands, but it was subsequent to 1905.

There is one other way in which the railway company could be said to have acquiesced in the position now taken by the municipal authorities, apart altogether from the agreement already referred to; that is, if it had itself recognized this—not as

5 GEORGE V., A. 1915

a trail crossing or trespass line, or anything of that kind, but, as a proper highway crossing, by itself doing something to establish that fact. The way in which that is invariably done, is by the erection of railway crossing signs; but the evidence is that there were no railway crossing signs at the points referred to.

Therefore, on all the grounds taken on the legal issue, I find that the municipality has failed.

The matter is entirely one of law; and if Mr. Biggar wishes me to do so, I will assist him in obtaining the opinion of the Supreme Court.

I do not suppose that the city will want to go on with the matter and pay all the cost. I think it will be better to settle the legal issue before proceeding further with the applications for the construction of Peace and Athabasca avenues across the railway.

Orders issued, finding and adjudging that the title of the railway company is sufficient and effective as against the municipality, and that should the highways be opened such openings would be subject to the seniority of the railway company's title and construction.

RE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RAILWAY COMPANY'S STREET CROSSINGS,  
OSHAWA, ONT.

Assistant Chief Commissioner SCOTT:

At a sitting of the Board held at Port Hope, on February 5 last, the railway company and representatives of the town of Oshawa were heard at considerable length in this matter. In addition to the evidence submitted, Commissioner Goodeve and I who were present at the hearing had the advantage of going over the ground and seeing the location of the railway through Oshawa.

After the Port Hope hearing, we succeeded in bringing about a conference between Mr. Leonard for the railway company, and Mayor Edmondson for the town; and, they agreed at a conference held at Oshawa on the 26th May last, on a plan for the separation of grades at Simcoe street and Albert street, and a diversion of Centre street via Hall street to Simcoe street. The result of this arrangement freed Oshawa from any grade crossings in the central portion of the town. A plan showing this arrangement was submitted by the railway company and approved of by the Board by order No. 20349 of the 11th September last.

In a telegram, dated 30th October last from Mr. Grierson, town solicitor, a request was made to the Board to re-open this matter, and to have the matter set down for discussion at the Ottawa sittings on Tuesday last, when the whole matter was gone into again and the parties were heard at considerable length. It appeared from the evidence that there was a division of opinion between the members of the municipal council, and that by a majority of one they were opposed to the arrangement made by the mayor and the railway company and confirmed by the Board's order.

The town solicitor, at this recent hearing, submitted to the Board a plan showing a grade crossing with gates at Centre street and Albert street which he asked the Board to approve of in place of the one agreed to by the mayor and the railway company. The railway company approved of the plan submitted by the town solicitor, but stated, that it was prepared to carry out the original arrangements made with the mayor if the Board rejected the new plan.

Since the hearing, the following night letter and telegram have been received:—

*(Night Letter).*

OSHAWA, November 7, 1913.

"At a meeting of town council held to-night when several members were absent, including chairman of railway committee, the mayor caused a resolution to be passed asking your Board to vary terms of agreement with Campbellford,

SESSIONAL PAPER No. 20c ,

Lake Ontario and Western Railway presented to your Board on Tuesday last the majority of council favours the agreement and ask that order in accordance with the issue council will not approve closing of Centre street."

JOHN STACEY, *Reeve,*

F. L. MASON, L. M. BROOKS,

*Councillors.*

(*Telegram.*)

OSHAWA, November 8, 1913.

"At a regular session of the council held last night the following resolution was declared carried unanimously thirteen members being present and no one voting against it. Moved by Deputy Reeve Regan, seconded by Councillor Coull that whereas the Dominion Railway Board have now under consideration the plans prepared by Mr. Ramsay for C. L. O. & W. crossings in Oshawa, and whereas said plans show a grade crossing at Albert street, and whereas large public meetings recently held have almost unanimously voted against grade crossings and whereas in the opinion of this council a separation of grade should be made by means of an overhead bridge as per our plans theretofore presented to the Board. It is therefore resolved that the Dominion Railway Board be at once notified that the said Ramsay plans be and are hereby withdrawn and that the mayor is hereby instructed to forward this resolution."

E. S. EDMONDSON,

*Mayor.*

As there is such difference of opinion among the members of the municipal council, much reliance cannot be placed on their representations.

On both plans there are separation of grades at Simcoe street. On the first plan there are separation of grades at Albert street, and Centre street is closed at the point of crossing; whereas the latter plan has grade crossings at both these streets. There are serious objections to a grade crossing at Albert street, even if it were protected by gates; because on the plan showing a grade crossing at Albert street the station appears to be just east of that street and it would be blocked by all trains stopping at the station. With the usefulness of that street seriously impaired in such a way, I think the better and safer solution for the town is the one made by the mayor showing separation of grades at Albert street.

The new plans have been submitted to our assistant chief engineer, Mr. Simmons, who is familiar with the layout of the railway in Oshawa, and he has placed the following memorandum on the file:—

"I have examined the new plan of street crossings in Oshawa, showing grade crossings at all the streets except Simcoe street. Comparing the two schemes, I am strongly of opinion that the plan approved by the Board, showing Centre street closed, and an overhead crossing on Albert street, is much the better scheme. While there may be some advantage in leaving Centre street open, it must be borne in mind that gates are not an absolute protection against accident and it appears to me that the plan that practically does away with all grade crossings in Oshawa is the plan to hold to."

Bearing all these matters in mind, I think the best thing to be done in the public interest is, to refuse the town's application for the adoption of the new plan; and instruct the railway company to proceed in accordance with the plan approved by the Board in its order of September last.

Commissioner Goodeve concurred.

November 8, 1913.



5 GEORGE V., A. 1915

## RE DIVERSION OF RUE LA VERANDRYE, ST. BONIFACE, MAN.

An application by the Canadian Northern Railway Company for authority to divert rue La Verandrye, in the city of St. Boniface, Man.; and to take for the purpose of such diversion parts of lots 572 and 574, D.G.S., 76, plan 224, of the said city, the property of C. A. Gareau, on the ground that no other land suitable for such purpose can be acquired at such place, on reasonable terms and with less injury to private rights.

The proposed diversion was approved by the municipality; but it was strongly and ably objected to by Isaac Pitblado, K.C., on behalf of C. A. Gareau and other owners of lots on the said rue La Verandrye.

Mr. Commissioner MILLS:

On principle, I object strongly to either a railway company or a municipality being allowed to infringe upon the rights of an individual, damaging his property, in the public interest (general or local, real or supposed), without adequate compensation. If a railway company or a municipality is benefited by putting an individual to inconvenience, or interfering with the free use and enjoyment of his property, it should make him full and suitable compensation.

Hence, on general principles, I made it plain, at the hearing of this case, that I was opposed to granting the application of the railway company for the diversion of rue La Verandrye, unless the said company would provide a regular 66-foot street alongside its right of way between rue La Verandrye and rue Notre Dame, in order to furnish C. A. Gareau and other interested owners of property on rue La Verandrye an adequate and convenient street to and from the proposed new station and other points in that direction; but, on personal inspection of the locality, I came to the conclusion that the eight lots in question (560, 562, 564, 566, 568, 570, 572, and 574, on rue La Verandrye), being in a low-lying place alongside the railway, are fit only for industrial sites, and will, as such, be properly served by the 30-foot road provided for in the plan submitted for approval.

Therefore, my opinion is that the application of the Canadian Northern Railway Company for permission to divert rue La Verandrye as per the plan mentioned above, and to take the land necessary therefor, should be granted, on condition that it construct, as soon as the new station is erected, a good 30-foot road alongside its right of way, as shown on the plan, from rue La Verandrye to rue Notre Dame, and grade the said road properly, leaving it in as good condition as rue La Verandrye between rue St. Jean-Baptiste and the crossing over the tracks of the Canadian Northern Railway.

Chief Commissioner Drayton concurred.

Mr. Commissioner MILLS:

Since the writing of my judgment dated November 11, 1913, we have been advised by our assistant chief engineer that the road in question should be "at least 40 feet wide"; and I must admit that when I wrote the judgment, I did not think of the space required for a sidewalk, say, 6 feet wide and two ditches. Hence, it is necessary to change the said judgment so as to provide for a street forty-one (41) feet wide.

Ottawa, January 7, 1914.

Chief Commissioner Drayton concurred.

November 11, 1913.

## RE CANADIAN PACIFIC RAILWAY COMPANY'S BRIDGE 92.7 OVER DON VALLEY.

Assistant Chief Commissioner SCOTT:

The Canadian Pacific Railway Company is double tracking its line from Toronto easterly; and, in carrying out this work it desires to build a bridge parallel to and

## SESSIONAL PAPER No. 20c

adjoining its existing bridge over the east branch of the Don river and valley on which it runs. The new bridge is to be constructed on towers which are to be placed in the spaces between the towers of the existing bridge. This method of construction our chief engineer recommends as good construction.

Mr. W. F. Maclean, M.P., owns the property in the Don valley on each side of the right of way of the Canadian Pacific railway where the piers of its present bridge stand, and on which the piers of its new bridge are to be constructed. At present there is ample space between the existing piers through which Mr. Maclean's cattle have been able to pass, and through which vehicles have been driven. Our engineer who has inspected the location says that there are well defined roadways under the existing bridge where vehicles have been driven.

If the Board approves of the plan of the new bridge which the railway company has submitted to us, and the bridge is built according to that plan, all the passageways under the old bridge would be blocked up by the piers of the new bridge, and there would be no way of getting from Mr. Maclean's property on one side of the bridge to his property on the other side of the bridge, except by way of a farm crossing which is to be constructed, under a covenant in a deed which is later referred to, under the bridge at its extreme west end and upon the side of a hill some distance away from the centre of the valley.

Mr. Maclean has filed an objection with the Board against the proposed plan, and has asked that he be given two openings under the bridge in addition to the farm crossing referred to.

The Board's attention has been called to a conveyance from Mr. Maclean's predecessors in title, John Frederick Taylor, *et al*, dated 1st March, 1890, to the railway company, of the right of way upon which the piers of the existing bridge stand and upon which the piers of the new bridge are to be constructed. After granting the lands therein described the conveyance has the following reservation:—

“Reserving to the said vendors their successors and assigns the privilege of damming up and backing the water on the east branch of the Don river where the same passes under the viaduct or bridge of the said company on the lands hereby conveyed which are more particularly described as the second parcel of the first schedule above referred to for mill or power purposes, and also reserving to the said vendors, their successors and assigns, the right of way under the said bridge as now enjoyed by the vendors, subject to the right of the said company at any time to fill up such part of the said bridge as may be done without interfering with the privileges hereby reserved.

“And the said vendors do hereby for themselves, their and each of their respective heirs and assigns covenant and agree with the said company not to back the water so dammed up to a greater height than 4 feet from the top of the mason work of the abutments or piers of the said bridge as now erected, or at any time hereafter to be erected by the said company over the said river.”

Before it had obtained the approval of the Board to the plan of the new bridge, the railway company commenced construction of the new piers, and Mr. Maclean took proceedings in the courts of the province of Ontario for the protection of his rights under the conveyance above referred to. These proceedings are now pending, and it is not the intention of this Board to attempt in any way to dispose of the matters now in litigation, or to prejudice the position of either party.

Nevertheless, under section 257 of the Railway Act, the duty is imposed on this Board of passing upon the plans of all bridges which railway companies incorporated by the Parliament of Canada desire to construct; and the Board is the only forum that has power to take such action. Therefore, we should dispose of this matter in so far as the character of the bridge which the company desires to construct is con-

5 GEORGE V., A. 1915

cerned, and leave the parties to have their rights under the conveyance disposed of by the courts of the province, which are, of course, the proper forum to deal with such a matter.

From the point of view of public safety, our engineer reports to us that the bridge will be a satisfactory one, and he recommends the approval of the plan. We have power to make any alteration in the plan which we deem proper. We have also power to direct the construction of a farm crossing either as a level crossing or as an under-crossing, and it is in our discretion to pass upon the necessity of such crossing. An opening in the structure sufficient to afford a farm crossing is, in effect, an under-crossing here. As the railway is junior to the Taylors and their successors in title Maclean, at this point it follows that the necessary cost of such rearrangement in the proposed structure, as is necessary to afford a farm crossing, should be at the expense of the railway. Bearing in mind the character of the valley and the fact that Mr. Maclean's property is on each side of the railway company's right of way, the Board thinks it proper that there should be a farm crossing somewhere near the centre of the valley. Mr. Maclean asks for an opening to be left between piers eleven and twelve (11 and 12) on the east side of the river. This opening can easily be left by a slight change in the construction of the ironwork of the bridge which will leave a clearance of something over 40 feet wide with 16 feet head-room.

An order should therefore go, approving of the plans of the bridge, with the modification that a farm crossing as already mentioned should be left between piers 11 and 12. The order should contain a provision that it is without prejudice to the parties' rights in the existing litigation, and that it is subject to Mr. Maclean's rights—whatever they may be—under the deed from Taylor to the railway company.

The railway company also ask for the right to expropriate certain lands of Mr. Maclean adjacent to the bridge, which are shown on the plans on this file. A separate order will go granting that application.

Commissioner McLean concurred.

November 12, 1913.

RE CANADIAN NORTHERN CROSSING, COUNTY OF CARLETON HIGHWAY, BETWEEN  
CONCESSIONS 3 AND 4, TOWNSHIP OF MARCH.

Assistant Chief Commissioner SCOTT:

In this matter the Board, on the recommendation of its engineer, issued order No. 17199, dated 12th August, 1912, approving of a grade crossing of the railway over the highway, with a diversion in the latter which would make the crossing practically a right angle one. Before that order was issued, a notice was served by the railway company on the township of March of the application, but no submission was made to the Board by the township. The secretary of the township, however, wrote the Board on September 9, 1912, saying that the township council approved of the crossing.

Notwithstanding the decision of the council of the township of March expressed in the secretary's letter already referred to an application dated 2nd April, 1913, was received by the Board asking that the road be not diverted, but that the level crossing be on the original lines of the highway, which would mean a skew crossing. The question of whether the highway was to be diverted, or the crossing put in on the original lines of the highway, came before the Board on the 6th May last, and after all concerned were heard, the Board decided that the diversion in the highway would provide a better crossing and the application of the township was refused.

We then had a request from the county council of Carleton to have this matter again reopened, and to consider the feasibility of a subway at the point of crossing. That matter was set down for discussion and all parties concerned were heard at a sitting of the Board at Ottawa on the 4th instant.



## SESSIONAL PAPER No. 20c

On Friday, the 14th instant, Commissioner Goodeve, Chief Engineer Mountain, and I inspected the crossing on the ground. The highway in question is in poor condition, quite below the average country road. It does not appear to be very heavily travelled. At the point of crossing on the south side of the highway and the railway the ground is low and wet. It is a clay soil with a good deal of rock in it. At the point of crossing there is a fill in the railway and a small creek passes under it through a culvert. There is about 10 feet from the bottom of the creek to subgrade. The surrounding land is low and wet. It seems to me that if a subway was constructed as requested, it would be difficult to drain, and there would, in all probability, be a very objectionable mud hole in the bottom of the subway at the spring of the year, or after heavy rains.

Our chief engineer, after examining the ground, reports as follows:—

“The ground on the south side is flooded, not only in spring time, but is to some extent now and after every rain. To the bottom of the little creek under the culvert, I would say is 10 feet to subgrade, that is, to one side of the highway crossing. This, I think, at even a moderate flood of water would be half filled, leaving the water level only 5 feet below the rail. In my opinion, to put a subway in would make it only a bed for the creek to run the water off from the south and could be rarely, if ever, used as a subway.”

Being fortified by Mr. Mountain's view, I am satisfied, in the interests of those who travel this highway, that they would be better off with the present grade crossing than with the class of subway which is usually put in on country roads. I do not think the present grade crossing on the diverted highway is a dangerous one; and, I think, that bearing everything in mind, it should not be disturbed. The county council should be advised that the Board will not vary the order already issued in this matter.

Commissioner Goodeve concurred.

November 17, 1913.

## RE C. P. R. DOUBLE TRACK BRIDGE, DON VIADUCT, TORONTO, ONT.

Chief Commissioner DRAYTON:

This is an application made by the Canadian Pacific Railway Company for approval of its plan showing the general layout of the new steel trestle required for double track bridge 94-4 Toronto subdivision, Don viaduct.

The application is opposed by the city of Toronto on the ground that the structures as contemplated will completely shut off all possible opportunity for laying out highways in the future underneath the railway structure. The work is necessary, by reason of the fact that the Canadian Pacific Railway Company now has at the point in question a properly constructed bridge for the purposes of one track, for the second track, which is required for the purposes of effecting the railway improvements now under order at North Toronto, and under which the Canadian Northern obtain access to the city. The Canadian Pacific Railway Company's proposal is practically to duplicate the existing structure staggering the piers. The Board's engineer has carefully considered the engineering details and thinks this is a proper construction, and that the only alternative to the proposed work would mean a new complete structure, and the doing away with the present bridge. Apart altogether from the interruption to traffic that this would entail, and the inconvenience to the travelling public, the existing bridge is worth some \$60,000, all of which would be wasted, as the engineer reports.

The work is necessary and approval will have to go. It can, however, be constructed in such a way as to allow highway construction. The city's representatives have pointed out that the proper position for highways would be between piers 5 and 6 as marked on the plan. Construction can be changed at these points at a compara-

5 GEORGE V., A. 1915

tively small cost so as to enable the construction of highways with a clearance of at least 14 feet under the bridge structure. The engineers estimate this cost at \$3,000. There is no highway at present at either point, and as a matter of strict right, the city is not in a position to claim any interference in bridge structures.

It would be a pity, however, not to allow the city, at the present time, to obtain rights. The highways will probably some day be necessary.

I would treat the city's application as an application to open a highway across the railway's right of way, and would give effect to it with the result that if the city desires openings to be left between piers Nos. 5 and 6, there will be a direction made to the railway company to submit plans providing for such opening, the extra cost occasioned by the change being estimated, as I have stated, at about \$3,000 to be paid for by the city.

The city will have the right of electing as to whether it desires the openings or not within ten days.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

November 22, 1913.

RE SUBWAYS UNDER G.T.R. AND C.P.R.—STE. ANNE DE BELLEVUE, QUE.

Application of the municipalities of Ste. Anne de Bellevue and the village of Senneville, for subways carrying the highway under the Canadian Pacific and Grand Trunk Railways.

Assistant Chief Commissioner SCOTT:

This application came before the Board at a sitting in Montreal on the 5th instant. The rights of way of the Canadian Pacific and the Grand Trunk Railway Companies are side by side through the village of Ste. Anne de Bellevue. I am familiar with the location. At the point where the subway is requested, the tracks of both companies are on a high embankment. The ground therefore lends itself to the construction of a subway.

There is at present no highway crossing over the tracks of either company between the stations of the two companies, except the level crossing just east of the platform at the Canadian Pacific Railway Company's station. Each railway company has double tracks over the present level crossing, and in addition to the use of these tracks by through trains the highway crossing is frequently crossed by shunting movements in connection with local freight on both lines.

The only other highway crossing anywhere in the neighbourhood of Ste. Anne de Bellevue is the crossing of the public road which adjoins the Ottawa river and passes under the tracks of both companies on the bridges over the river; but, this crossing is some distance away from both stations and would not be convenient for the traffic that now goes over the level crossing already referred to.

Both Ste. Anne de Bellevue and Senneville are growing municipalities, and are inhabited in the summer time by residents of Montreal who constantly travel to or from that city. All those living on the north of the C.P.R. tracks and taking the Grand Trunk train to or from Montreal now cross over the level crossing; and, all those travelling by the C.P.R. to or from Macdonald College, which is south of the Grand Trunk tracks, also use the level crossing.

Bearing in mind the heavy traffic on the highway at the level crossing, the constant movement of trains in either direction on the double tracks of the two companies over the level crossing and the elevation of the tracks of both companies at the point where the subway is proposed, which will materially reduce the cost of construction, I think the application should be granted and subways under both tracks ordered.

At the hearing it was contended by the applicants that the level crossing, which would be eliminated when the subway was constructed, was on a highway which was in lieu of an old highway known as *Ville Montée Ste. Marie*, which was in existence

## SESSIONAL PAPER No. 20c

prior to the construction of the Grand Trunk railway. The evidence on this point is not clear. It is clear, however, that this old highway, if not constructed prior to the Grand Trunk, was constructed a short time afterwards. However, in a case of this kind the senior and junior rule which the Board usually applies to the crossing of one railway over another railway should not be given as much weight as it is given in the case of two railways: In cases of highway and railway crossings, the traffic on the highway and the traffic on the railway are more important factors in fixing the cost of the separation of grades than the question of seniority.

In the present case we could give 20 per cent of the cost of each subway out of the Railway Grade Crossing Fund. After deducting that 20 per cent, the balance of the cost should be borne as follows:—

In the case of the subway under the Grand Trunk Railway Company's tracks:

	per cent.
Municipality of Ste. Anne de Bellevue . . . . .	15
Municipality of Senneville . . . . .	15
Grand Trunk Railway Company . . . . .	70

and

In the case of the subway under the tracks of the Canadian Pacific Railway Company, the balance after deducting the 20 per cent, to be paid out of the Railway Grade Crossing Fund, should be borne as follows:

	per cent.
Municipality of Ste. Anne de Bellevue . . . . .	15
Municipality of Senneville . . . . .	15
Canadian Pacific Railway Company . . . . .	70

The plan submitted by the applicant is not satisfactory. It shows a roadway of 16 feet and a sidewalk of 4 feet in width. As there will be practically a right angle turn on the highway at each end of the subway, 16 feet is too narrow for a roadway, and I think there would be danger of an accident occurring in the subway. The roadway, apart from the sidewalk, should be 22 feet clear; and, the entrance of the subway from the highway at each end should be fanned out so that there will be at least a distance of 40 feet between the ends of the abutments measured at right angles to the highway.

The work of constructing the subway should be done by the railway company under whose tracks the subway is to be constructed. Revised plans should be submitted by the railway company of the subway under its tracks, by the 1st April, 1914, and the subway should be completed by the 1st September next.

Commissioner Goodeve concurred.

January 22, 1914.

Mr. Commission McLEAN:

I agree in the direction that there should be two subways.

At the hearing I queried whether, on account of seniority to the highway, the Grand Trunk should be required to contribute to the cost of the subway under its tracks. On further consideration of the matter, I have concluded that in the question of protection at a highway crossing the rule as to seniority and juniority should not be applied in the same way as in connection with a crossing of one railway by another. The danger at a highway crossing is, in the majority of cases, attributable not only to increased traffic on the railway but also to increased traffic on the highway. Under such conditions, it seems justifiable to have a division of the cost, the division being governed not by any hard and fast principle, but by the facts of the particular case



5 GEORGE V., A. 1915

before the Board. As was stated by the late Chief Commissioner Mabey in the hearing in connection with the protection at the level crossing of the Grand Trunk at Lachine road, Rockfield, Que:—

“There is no scientific rule you can apply; each case has to stand on its own bottom, and at best turning the thing over in every aspect that one can—I say at best that one can only in matters of this sort do rough justice in distributing the expense.”

In joining the municipalities as parties in interest, the Board is justified in looking to the extent of the interest of each of the parties. In view of the nature of one phase of the traffic to which special reference has been made, viz., automobile traffic, and the interests of the municipality of Senneville therein, I am of opinion that it should bear a larger percentage of the cost; and the distribution of cost which I consider justifiable is, after deducting the statutory contribution, to divide the cost as follows, in the case of each subway:—

Municipality of Ste. Anne de Bellevue . . . . .	15%
Municipality of Senneville . . . . .	30%
The railway . . . . .	55%

January 28, 1914.

#### RE G. T. R. CROSSING AT CLARKSON, ONT.

Complaint of Mr. Sydney Preston relative to dangerous crossing on the Grand Trunk Railway at Clarkson, Ont.

Chief Commissioner DRAYTON:

It is difficult to understand the reasons for any misunderstanding as to the employment of night and day watchmen at this crossing before the installation of gates as well as after.

The hearing, where the Board's directions were given, took place at Toronto on October 13 last.

The Board was of the opinion that the crossing was one which must be protected by gates and watchmen, and was anxious that the gates should be installed and the protection afforded as quickly as possible. The railway company was of the view that three months at least were required in order to install the gates, Mr. Chisholm, who appeared for the company, stating that the company would do its best to have the gates installed in that time. The direction that the Board then gave was that the gates were to be installed in three months' time, but that if it was impossible to install them within that period, the railway company, at its own expense, would then put on a day and a night watchman until the gates were installed.

It may be that the formal order is not drawn as clearly as it might be, in that it does not plainly embody the company's duty to employ the watchmen. This defect, however, can hardly be said to have misled the railway company. The order contains a direction that if the gates are not erected and in operation within three months, the expense of the day and night watchmen employed at the crossing will be borne and paid by the railway company until such gates are installed. The company's plans showing the layout were submitted for approval of the Board's engineer on December 9. The layout was approved and the plans returned to the company by letter of December 12.

On January 21, the company in its written application states:—

“We regret that it has not been possible for us to complete the installation of these gates by the 21st inst. for the reason that we have not as yet been able to get delivery on the ground of the material required for the work, and we

## SESSIONAL PAPER No. 20c

would therefore be glad if the Board would extend until May 1, 1914, the time for installing the gates. As you are aware, it is extremely difficult and increases the cost to install crossing gates at this season of the year when the ground is frozen solid for a considerable depth, and if the Board will grant this extension it will enable us to do the work as soon as the frost leaves the ground.

"We also beg to ask the Board to relieve us from the obligation of placing day and night watchmen at this crossing pending the installation of the gates. The order was not received by our chief engineer until October 27 last, having been received by me and sent him on 25th, and as at the best it would take at least six weeks to prepare the plans and get the material on the ground, it would have been impossible to install the gates before freezing weather arrived."

It will be observed that the company's application is two-fold, firstly, that it is impossible to install the gates within the time directed, and that there should be an extension in so far as that part of the work is concerned until May 1, 1914; secondly, that the Board should relieve the company from the obligation of placing night and day watchmen at the crossing pending the installation of the gates.

The Board recognizes, indeed has to recognize, the difficulty, if not the impropriety, of doing this kind of work in the winter time, and that the railway companies find it very difficult to get delivery of material ordered promptly. The difficulty of obtaining the material in time, although ordered, having been shown, coupled with the fact that the delay would necessitate construction in the winter, it was proper for the Board to extend and the Board did extend, by its order of January 24, the time within which the gates should be installed.

No relief, however, was given the company on its application to be relieved of the necessity of employing night and day watchmen at the crossing pending the installation of the gates.

As evidencing the fact that the company's obligations were recognized by the company, on January 21, 1914, watchmen were stationed at the crossing in accordance with the company's construction of the original order No. 20618.

In view of the company's own construction of the Board's direction and the fact that the extending order No. 21258 merely extended the time for the installation of the gates, it is difficult to understand how the company could assume that the obligation to protect the crossing, pending the installation of gates, by a night and day watchman, was discharged by the latter order.

The company was advised, on the 6th inst., that it was not the intention of the Board to relieve it from keeping a night and day watchman on duty.

Complaint is now made by Miss Hodgetts, Secretary of the Women's Institute, that the watchmen have been withdrawn.

The Board directs that watchmen be immediately appointed and has so advised the company by wire. If the direction is not at once acted upon, an order will go providing for appropriate penalties, which will be enacted for every day that default continues.

Assistant Chief Commissioner Scott concurred.

February 12, 1914.

*Re* HIGHWAY DIVERSIONS C.L.O. AND W. AND G.T.R.—TOWNSHIPS MURRAY AND BRIGHTON, ONT.

Assistant Chief Commissioner SCOTT:

By order No. 18447 of the 30th December, 1912, the Board authorized certain diversions in the Kingston road and the construction of an overhead crossing in substitution for a number of level crossings, over the tracks of the Grand Trunk Railway Company and the Campbellford, Lake Ontario and Western Railway Company, which were to be closed. By the rearrangement, Mr. Francis Bush and a few farmers living south of

him are cut off from access to the Kingston road, except by going some distance east to where the diverted road joins the old road by an overhead bridge. This causes considerable inconvenience to Mr. Bush by his being removed from the rural mail delivery route, and by the inconvenience caused him when he desires to go west on the Kingston road.

An application was heard by the Board at a sitting in Toronto on the 26th January last for some amendment to the original scheme for the relief of Mr. Bush. At that hearing judgment was reserved. On the 9th instant, Commissioners McLean, Goodeve and myself had an opportunity of viewing the location of the different highways on the ground and hearing a deputation of those affected by the closing of the highways referred to in the order.

The general scheme for the elimination of the grade crossings in this matter will be of much benefit to those travelling the Kingston road, as several dangerous grade crossings are eliminated. It seems to me, however, that without militating from the benefit of the new arrangement, that Mr. Bush's difficulties might be overcome by giving him a crossing in the nature of a farm crossing, from a point opposite his house on the south side of the C.L.O. & W. to the new Kingston road on the north side of the Grand Trunk tracks. This crossing to be at right angles to the railway tracks and to be shut off from the highways both on the north and the south by gates, which Mr. Bush would be obliged to keep closed. In fact the crossing to be a farm crossing subject to all the provisions of the Railway Act respecting farm crossings.

In my judgment an order should issue amending the original order, by providing for a farm crossing as described.

March 10, 1914.

Mr. Commissioner McLEAN:

As set out in the reasons for judgment of the Assistant Chief Commissioner, certain diversions were authorized by the Board after investigation of the dangerous situation arising from the proximity of the tracks of the Grand Trunk and Campbellford, Lake Ontario and Western Railway Companies to the highway. The diversions and the work connected therewith, including the construction of the overhead bridge, cost approximately \$24,000. The great bulk of this was borne by the railway. The applicant, Francis Bush, desires to have what is known as "the Bush road" left open across the tracks, and he is supported in his application by the municipality. The Bush road is a dangerous skew crossing; and, aside from any question of what has been done in the way of diversions, there would be, I think, natural hesitation on the part of the Board if it were now for the first time being asked by the municipality to open up a crossing of this nature.

There is no question but that Mr. Bush is inconvenienced by his present situation; but, unfortunately for him, the matter cannot be looked at from the standpoint of one or a few isolated cases. The Board has to consider what is safest in the general interests of the people located through this section, in handling the highway traffic across the railways. There is no question but that it is in the public interest to have separation of grades wherever feasible, and where this is not feasible there should be elimination of dangerous skew crossings. There is, of course, an element of danger in connection with every level crossing, but a right angle-crossing lessens this element of danger. The diversions which involve the closing of the Bush road are a work for the general advantage, and the general advantage must prevail.

It is suggested by the Assistant Chief Commissioner that Mr. Bush should be given a crossing in the nature of a farm crossing, and that the obligations under section 255 should apply to this crossing. If the Bush road were to be opened even by means of the substituted crossing and to the limited extent suggested, this would do away with the advantage to the public of the overhead crossing already constructed. It would simply mean money had been unnecessarily expended. For the public, no matter how



## SESSIONAL PAPER No. 20c

safe an overhead crossing may be, will, in the great majority of cases, take the risk of an existing level crossing in preference. But it may be said that the only question the Board has to consider is the substitution of the farm crossing for the hitherto existing highway crossing. It is true that it is proposed to place the burden of keeping the gates closed upon the applicant, Bush. Every one knows that at present notwithstanding the provisions of section 255, farm gates are in various instances left open during the winter. In the proposed method of dealing with the present application, the crossing gates would be concerned with the closing up of the means of access from the old Kingston road south of the Campbellford, Lake Ontario and Western Railway to the new Kingston road on the north side of the Grand Trunk tracks. If there is difficulty in having farm crossing gates kept closed in the winter time, where a farm crossing is concerned with a passage across the railway from one portion of the farm to another, there will be still greater difficulty in the present case. Unless after every snowstorm the farmer is prepared to clear away the snow around the gates, the gates will not be kept closed. Even if the farmer has the best intentions in the world, I am afraid that in such a case as this where the crossing is concerned not with affording a means to get his cattle from one section of his farm to another but simply with a private highway, in a great many cases the gates will be left open, regardless of the season. The result of this would be that at such times as the gates were left open, vehicular traffic, other than that of the one to whom the crossing is granted, would cross the highway.

One matter which weighs with a railway in connection with the separation of grades and the rectification of dangerous level crossings is the lessening of opportunity for accidents. This is in the interest of the public from the standpoint of saving life, as well as of lessening the hazards of travelling across railway tracks; it is in the interest of the railway from the standpoint of the liability which attaches to it in the case of accidents.

Where the farm crossing is used by the one for whom it is constructed, the railway must exercise due care in approaching it. The same obligation attaches where the crossing is used by the invitation of the one for whom it is constructed.—*Plester vs. Grand Trunk Ry. Co.*, 32 O.R., 55.

What the liability may be in the case of a trespasser is apparently somewhat uncertain. It has indeed been decided that where a man was killed on a portion of the right of way where for a number of years the public had been allowed to walk along in order to reach the nearest highway, he was none the less a trespasser, and the railway was not liable.—*Grand Trunk Ry. Co. of Canada v. J. R. Anderson and Jessie Anderson*, 28 S.C.R. 541.

It has also been decided that a trespasser or bare licensee injured through negligence may maintain an action.—*Julius G. Sievert v. Samuel D. Brookfield*, 35 S.C.R., 494.

It is true that the latter case was concerned with private premises, not with railway right of way dedicated to a public use.

I am of opinion, therefore, that in the present instance, notwithstanding the admitted inconvenience to the applicant of the detour which he must make, that his personal convenience must give way to the question of the general safety of the people along this section of the two railways concerned. The diversion and the works connected with it seem to be proper and reasonable. They were carefully considered before the order issued in the first instance; and I do not think they should be departed from in respect of opening up a way for vehicular traffic at the point in question.

Aside from the question of vehicular traffic, it is stated the applicant will be inconvenienced in regard to the rural mail delivery service. The road followed by the mail carrier will take him to the north of the applicant's house. This situation, I think,

5 GEORGE V., A. 1915

might be taken care of by allowing applicant to have a stile or steps placed in the right of way fence on both sides of the tracks so that he can walk across the tracks and obtain his mail from the mail box north of the tracks.

Commissioner Goodeve concurred.

March 16, 1914.

#### YARD LIMIT BOARDS.

In the matter of the consideration of yard limit boards in connection with railway companies subject to the jurisdiction of the Board.

This matter was heard at the sittings of the Board held in Winnipeg, May 30, 1913, and the following judgment made:—

Chief Commissioner DRAYTON:

As stated by me at the hearing, I am still of the view that special rule "F" of the Canadian Pacific Railway Company is in conflict with rules approved by the Board. Uniformity of practice is an essential. What the Canadian Pacific Railway Company has found to be good practice in the East, as admitted by the company, may properly be adopted in the West.

Therefore, I think an order should go directing the company to withdraw its special rule "F", applying to western lines and hereafter observe the uniform rules of the Board regarding yard limits.

Messrs. Commissioners Mills and Goodeve concurred.

Ordered accordingly.

July 29, 1913.

#### RE NORTH TORONTO TELEPHONE RATES.

*Heard in Toronto, February 7, 1913.*

Assistant Chief Commissioner SCOTT:

This is an application by the city of Toronto to have the Toronto Telephone rates of \$50 for business, and \$30 for residence telephones, per annum, apply to North Toronto and Moore Park, two districts which have recently been annexed to the city of Toronto.

Moore Park, being near Deer Park and Rosedale, two parts of Toronto which enjoyed the Toronto rate and being substantially similar in circumstances and conditions to those sections is entitled to the Toronto rate; and at the hearing this was admitted by the company. Moore Park therefore may not be considered further in this matter.

The North Toronto rate is fixed by supplement No. 10 to the Bell Telephone Company's schedule of rates authorized at Toronto exchange dated May 1, 1911, and filed with this Board as C.R.C. No. 1708. That tariff, which provides the flat rate per annum of \$50 for business and \$30 for residence telephones states that, these charges are to "apply to subscribers stations situated within Toronto exchange limits, which are the limits of the city of Toronto as of date January 1, 1911," with extra mileage at the rate of \$5 per quarter mile or fraction thereof to be computed from a point three-quarters of a mile distant from the nearest exchange.

The nearest exchange to North Toronto is the North exchange, near the corner of Yonge and Bismark streets. This exchange is one and three-quarter miles south of the southern boundary of North Toronto, so that under the tariff a person residing within North Toronto, but a few feet north of its southern boundary, must pay an extra mileage of \$20. That is, the company allows, a free area of three-quarters of a mile from its exchange before commencing its extra mileage of \$5 per one-quarter of a mile.

## SESSIONAL PAPER No. 20c

This free area of the first three-quarters of a mile in extra mileage was brought about by a decision of the late Chief Commissioner, Judge Mabey, at the hearing of an application of the town of North Toronto of the same nature as the present application, which was heard by the Board in Toronto on April 26, 1911. At that time, the late Chief Commissioner, recognizing that the circumstances and conditions affecting telephone service in the town of North Toronto were dissimilar from those in the city, refused the town's application; but, decided that as the average mileage of wire for a city of Toronto telephone was three-quarters of a mile, that a free allowance equal to this average mileage (i.e. three-quarters of a mile) should be allowed before the point from which extra mileage was to be charged should be reached.

Now, what has happened since Judge Mabey's decision to warrant this Board in taking a different view of the matter from what it took at that time? There has been no change in so far as the exchange is concerned. The people having telephones in North Toronto, were then and are still connected with the North exchange of the city of Toronto. At that time there were 157 telephones, and now there are 273 telephones in North Toronto—an increase of 116. The population is 6,300. I do not know what it was at the time of the hearing in April 1911, but of course, it has no doubt, increased considerably since then.

The chief ground upon which this application is urged is the fact that North Toronto is now within the city limits. Unless there was something in the language of the tariff to compel the company to apply the Toronto rate, from time to time, to any district that was annexed to the city, I do not see that the mere annexation of North Toronto to the city would warrant this Board in making the order applied for. It will be observed that in fixing the Toronto Exchange territory, the company took as its limits the limits of the city of Toronto, as of the date January 1, 1911, and therefore its exchange limits being fixed by the limits of the city on that date, the territory subsequently annexed would not, *ipso facto*, become entitled to the benefit of the Toronto flat rates.

The law provides that, all tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate. From the evidence submitted to us, and from an examination of the North Toronto district and other districts of the city of Toronto, I am forced to come to the conclusion that the circumstances and conditions affecting telephone service in North Toronto are not similar to the circumstances and conditions existing within the Toronto Exchange limits.

The city urged at the hearing that the circumstances and conditions in North Toronto were similar to those in West Toronto. I do not think they are. North Toronto is almost entirely a residential section. The inhabited portions of it constitute a long narrow area following the lines of Yonge street. The people who live in North Toronto have their places of business, or are employed in the portion of the city of Toronto south of the southern boundary of North Toronto. There are few shops or commercial industries within its limits; whereas, West Toronto before its annexation to the city was a town of considerable size and might have existed anywhere in the province irrespective of the fact that it was adjacent to the city of Toronto. West Toronto had a number of large manufacturing concerns. There were a number of doctors, lawyers, banks, retail establishments containing all lines of articles required for household consumption, places of amusement and recreation, etc., within its limits. At the time of its annexation to Toronto, West Toronto had a telephone exchange of its own, with rates for local calls lower than the rates existing in the city of Toronto.

At the time of the annexation of West Toronto to the city, when the Board decided that Toronto rates should apply and that the extra toll for calls from West Toronto to the city should be abolished, some of those having telephones in West Toronto protested that they did not wish to have the city of Toronto rates apply. The circumstances and conditions respecting telephone service in North Toronto



5 GEORGE V., A. 1915

to-day are, I think, quite dissimilar from those existing in West Toronto at the time of its annexation, and the subsequent bringing into effect of the city of Toronto flat rate in West Toronto.

A comparison with the eastern portion of Toronto served by the Beach exchange was also submitted to the Board. The circumstances and conditions affecting subscribers on the Beach exchange are not similar to those in North Toronto. The area served by the Beach exchange is a little less than that of North Toronto; but, the population is 24,000 as against 6,300, and the number of telephones 1,446 as compared with 273. The Beach district has its own exchange, and North Toronto has not. In my opinion there has not yet been sufficient development in North Toronto to warrant the Board in deciding that it is entitled to the city flat rate.

In the case of the Montreal telephone rates which we had before us some months ago, the Board came to the conclusion that mileage should only commence to be computed from the exchange limits within which a flat rate applied. This principle being applied to this case would have the effect of reducing the rate to be paid by any single line subscriber in North Toronto by \$20; because the extra mileage would only commence at what was the city limits on January 1, 1911, instead of a point three-quarters of a mile from the North exchange, which is provided by the tariff at present in effect.

I therefore think an order should go that the company forthwith file a new tariff, to become effective on the 1st April next, providing that extra mileage for North Toronto was only to be computed from the limits of its Toronto exchange; that is, what were the city limits on January 1, 1911, and that Moore Park was to be given the Toronto flat rates.

In disposing of this matter in this way, the Board is not to be taken as declaring that the company's charge of \$5 per quarter of a mile as extra mileage is a reasonable charge. The question whether this rate is a reasonable or an unreasonable one, was not discussed in this case nor were we given any evidence to warrant us in coming to any conclusion about it. We have this question before us, and if at any future time we came to the conclusion that \$5 per quarter mile is an excessive charge for extra mileage, it would of course apply in this case.

In this memorandum, I have not dealt with the question of party lines. These are proportionally lower than the one-party line rates, and there is no question of principle affecting them which would not be governed by the decision of the Board on the one party line rates which I have been discussing.

Commissioner Goodeve concurred.

Ordered accordingly.

March 8, 1913.

#### RE MEDICO-CHIRURGICAL SOCIETY OF MONTREAL VS. BELL TELEPHONE CO.

Oral judgment delivered by Assistant Chief Commissioner Scott, at the close of the hearing, January 5, 1914:

In the city of Montreal there are three telephone rates: a residence rate of \$35 per annum; a special doctor's rate of \$40 per annum; and a business rate of \$55 per annum.

It is the desire of the Bell Telephone Company to take out the \$40 rate for doctors and to charge them a business rate of \$55 in future. A protest has been made by the Medical Society against this change.

The Board has already dealt with a somewhat similar case in the case of Bayly against the Bell Telephone Company. Miss Bayly was a trained nurse in the city of Toronto, and her telephone rate was increased from the residence to the business rate. She protested to the Board, and after hearing everybody concerned the Board decided—

## SESSIONAL PAPER No. 20c

the judgment being delivered by the late Chief Commissioner Mabey—that her telephone being used sometimes for business purposes was a business telephone, and the telephone company was justified in charging a business rate.

We think that the principle laid down by the late Chief Commissioner in the Bayly case applies in this case, and, therefore, we will not interfere with the intention of the telephone company to increase the doctor's rate from the \$40 to the \$55 charge.

The volume of calls would not be a fair criterion. If that were to be the basis it would be very difficult to decide what the rate should be. It is quite proper that there should be two rates, the business rate and the residence rate, and, following the decision which the Board has arrived at in similar cases, this application is refused.

*Re BELL TELEPHONE RATES IN NORTH TORONTO.*

Assistant Chief Commissioner SCOTT:

In an application, dated the 5th of December last, the city of Toronto applied for a rehearing of this matter. It had been heard by the Board at a sitting in Toronto on February 7, 1913; and, for reasons given in a judgment of mine, dated March 8, 1913, the board decided that the circumstances and conditions respecting telephone service in North Toronto were not substantially similar to the circumstances and conditions respecting telephone service in the city of Toronto, and that the city of Toronto rate should not be extended to North Toronto.

The following paragraph appears in my judgment:—

“The law provides that all tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons and at the same rate. From the evidence submitted to us, and from an examination of the North Toronto district and other districts of the city of Toronto, I am forced to come to the conclusion that the circumstances and conditions affecting telephone service in North Toronto are not similar to the circumstances and conditions existing within the Toronto Exchange limits.”

At a sitting of the Board in Toronto on January 27, 1914, the city's application was heard. It was pointed out by the chairman to counsel for the applicants, that as this matter having been disposed of by the Board some months previously, we would only now deal with any new evidence which the city has to submit. The new evidence submitted was as follows:—

1. An increase in the population of North Toronto from 6,300 to 7,500.
2. An increase in the number of telephones in North Toronto from 273 to 439.
3. A change in the centre of population in Toronto eastward. The centre now being some distance south of the corner of Spadina and Bloor streets.
4. A general statement was made by counsel for the applicants that business was growing in North Toronto and that there were now 175 places of business there. This statement was not elaborated and no detailed evidence of the character of these places of business was given.
5. That since this matter was last before the Board, the Post Office Department was now making special deliveries in North Toronto.
6. That a new exchange was to be opened to be called “Hillcrest.”

It was to be on St. Clair avenue, south of Bathurst.

It seems to me that this new evidence is not sufficient to warrant the Board in coming to any other conclusion than that arrived at in March, 1913. To my mind the strongest reasons mentioned by the applicants for the extension of the Toronto rate to North Toronto was that the places of business had increased in North Toronto; but as I have said, no detailed evidence was given in support of this, and it was somewhat contradicted by a statement made by counsel for the applicants when he said that each of the telephones in North Toronto was paid for by a man who was doing business in Toronto who paid for a telephone there.

5 GEORGE V., A. 1915

The population of North Toronto has grown, but the acreage of North Toronto is greater than the portion of Toronto served by the Beach exchange; yet the latter has a population of 24,000. The new Hillcrest exchange will be too far away from North Toronto to be of any service. That exchange will open with from three to four thousand subscribers. The south boundary of North Toronto is one and three-quarter miles away from the North office which is the nearest exchange.

To be entitled to the Toronto rate, the circumstances and conditions of the telephone business in North Toronto should be such as to warrant the establishment of a new exchange. This exchange the company says would cost \$170,000. The land we are told has already been selected for it. The telephone business in North Toronto is not yet sufficiently large to warrant the Board in ordering the Bell Company to at once go to the expense of establishing a new exchange.

Since the hearing, however, we have had some negotiations with the company, and we are now advised that the company will this year commence the construction of a new exchange to serve North Toronto. While I think the present application should be refused, the petitioners have the satisfaction of knowing that the new exchange is to be gone on with, and that in 1915, when it is completed North Toronto will be in the position to get the benefit of the Toronto rate.

Chief Commissioner Drayton concurred.

March 26, 1914.

#### RE CONSUL-GENERAL OF JAPAN VS. CANADIAN TELEGRAPH COMPANIES.

The Consul-General of Japan applied to the Board for an order requiring telegraph companies subject to its jurisdiction to transmit telegrams in plain Japanese language (Roman letters) at single count, in the same manner and at the same rate as they transmit telegrams in French, German and the other so-called plain languages authorized by international telegraph conventions relating thereto.

Mr. Commissioner MILLS:

In the year 1875, a number of empires, kingdoms, republics, states, confederations, principalities, etc.—all spoken of as “States”—held an International Telegraph Convention in St. Petersburg. This convention agreed upon certain principles, which it enunciated in the form of twenty-one articles; and, on these articles, as a foundation for action, it formulated, in much detail, what it considered necessary regulations affecting international telegraph service, referred to as international telegraph service regulations.

A central office for the administration of the service, called the International Bureau of the Telegraph Union, was established at Berne, Switzerland, and placed in charge of the Swiss Confederation.

The last convention was held at Lisbon, Portugal, in the year 1908; and the regulations as modified and extended at that convention are spoken of as international telegraph service regulations (Lisbon Revision, 1908).

At the conclusion of the Lisbon Convention, there were fifty states, High Contracting Parties in the Telegraph Union, grouped in six classes, with a view to an equitable division of the expenses of the service, each state contributing in the proportion of a certain number of units:

1st class. . . . .	25 units.
2nd “ . . . . .	20 “
3rd “ . . . . .	15 “
4th “ . . . . .	10 “
5th “ . . . . .	5 “
6th “ . . . . .	3 “



## SESSIONAL PAPER No. 20c

I notice that Japan is in the first group, and pays the same proportion as Great Britain, Germany, France and other great powers.

In the International Telegraph Service Regulations (Lisbon Revision, 1908), the expressions "plain language," "code language," and "cipher language" are defined as follows:—

## Plain language—

"Plain language is that which offers an intelligible sense in one or more of the languages authorized for international telegraphic correspondence."—Reg. VII, paragraph 1.

"Each administration notifies, amongst the languages used in the territories of the State to which it belongs those which it authorizes for employment in international telegraphic correspondence in plain language. The use of Latin is also authorized."—Reg. VII, paragraph 3.

## Code language—

"Code language is that which is composed of words not forming intelligible phrases in one or more of the languages authorized for telegraphic correspondence in plain language."—Reg. VIII, paragraph 1.

"The words, whether genuine or artificial must be formed of syllables capable of pronunciation according to the current usage of one of the following languages: German, English, Spanish, French, Dutch, Italian, Portuguese, or Latin."—Reg. VIII, paragraph 2.

"Words in code language must not be longer than ten characters according to the Morse alphabet, the combinations, ae, aa, ao, oe, ue, being counted as letters each. The combination ch is also counted as two letters in artificial words."—Reg. VIII, paragraph 3.

## Cipher language—

"1. Cipher language is that which is formed—

The text of telegrams may be in plain or secret language, the latter being a secret meaning, or letters, (excluding the accented letters ä, á, â, é, ñ, ö, ü), groups or series of letters having a secret meaning;

"2nd. Of words, names expressions, or combinations of letters not fulfilling the conditions of plain language (Reg. VII) or of code language (Reg. VII)."

"2. The mixture, in one group, of figures and letters having a secret meaning is not admitted."—Reg. IX.

The text of telegrams may be in plain or secret language, the latter being subdivided into code and cipher language. Each of these languages may be employed alone or conjointly with the others in the same telegram.

"All the Administrations admit, in all their relations, telegrams in plain language. They may decline to forward or to receive for delivery private telegrams composed either wholly or in part in secret language; but they must allow these telegrams to pass in transit, unless the service be suspended as defined in Article 8 of the Act of the St. Petersburg Convention."—Reg VII, paragraphs 1 and 2.

## Plain language count—

"In telegrams in which the text is written entirely in plain language, each ordinary word and each authorized compound are counted respectively at the rate of one word for each fifteen characters, according to the Morse alphabet, plus one word for the excess, if any."—Reg. XIX, paragraph 3.

## Code-language count—

"In code language the maximum length of a word is fixed at ten characters counted according to the prescriptions of Reg. VIII, paragraph 3," as above.—Reg. XIX, paragraph 4.

Cipher count—

“Groups of figures or of letters, commercial marks composed of figures and letters, are counted at the rate of one word for each five figures or letters which they contain, plus one word for any excess. Each of the combinations ae, aa, ao, oo, ue, and ch is counted as two letters.”—Reg. XIX, paragraph 7.

#### *Telegrams in Plain Language.*

Under these regulations, “all the administrations admit, in ‘all their relations, telegrams in plain language,’ for transmission by both land and cable lines, each administration having been given notice as to the language or languages which it authorizes for employment in international telegraphic correspondence in plain language.” Administrations may decline to transmit or to receive for delivery, private telegrams composed wholly or partly of secret language; but none of them ever refuses to transmit or to receive for delivery, on the terms of plain-language count, messages written in any plain language authorized by one of the High Contracting Parties. So, it is manifest that Japanese is one of the languages herein referred to (Regulations VI and VII)—being in exactly the same position as the English language.

#### *Telegrams in Code Language.*

There are certain restrictions in the case of code telegrams. The decision of the last Convention—that held at Lisbon in 1908—was, that in code language “the words, whether genuine or artificial, must be formed of syllables capable of pronunciation according to the current usage of one of the following languages: German, English, Spanish, French, Dutch, Italian, Portuguese, or Latin.” Regulation VIII.

The words, “whether genuine or artificial,” in the preceding paragraph, clearly show what the decision was,—not that code telegrams may be sent only in words of one of the eight languages named, but in words of any language, or no language, provided, “Whether genuine or artificial,” they are “formed of syllables capable of pronunciation according to the current usage of one” of the languages referred to.

Therefore, I think there can be no doubt that, in international telegraphic correspondence, code messages consisting of Japanese words written in Roman letters and formed of syllables capable of pronunciation according to the current usage of the English language, must be transmitted, code-language count, on the same terms and conditions as code messages composed of English words.

#### *Cable Companies.*

The cable companies transmit telegrams in the Japanese language, according to the plain-language and code-language rules; our land line companies, like other land line companies on both sides of the Atlantic, perform their part of the service in the transmission of international cable message in Japanese, according to the plain-language and code-language rules; and they formerly applied the same rules to ordinary inland, or domestic messages—messages between points in Canada and from points in Canada to points in the United States; but they finally decided to apply the cipher count (one word for each five letters or characters, plus one word for any excess) to all messages in Japanese between points on this side of the Atlantic. This practice, it appears, is generally followed in the United States also, although Mr. Newcombe Carlton, Vice-President of the Western Union Telegraph Company, made the following statement in a letter dated June 7, 1912:—

“I beg to say, on behalf of the Western Union Telegraph Company, that there is no objection to the use of the Japanese language or of any other language which can be expressed in Roman letters in telegrams; but that on account of the difficulty with which Japanese words are transmitted and their

## SESSIONAL PAPER No. 20c

frequent excessive length as compared with the English language, on the general use of which our schedule of tariffs is predicated,—we find it necessary to count the same, as many other foreign languages are counted, at the rate of five letters or fraction of five letters to the word.”

*Allegation of Telegraph Companies.*

At the hearing of this case, two reasons were given for the change, from both the plain-language count and the code-language count, to the cipher count in the case of domestic, or inland messages in the Japanese language:

1st. That dishonesty was frequently practised in plain-language messages, by combining four or five words, writing the combination as one word, and thus defrauding the telegraph companies; and that, in code messages, the words were studiously combined or formed so as to avoid the use of any but words of the uniform length of ten letters (the maximum allowed by code-language count) thus violating the spirit of the rule and imposing on the telegraph companies.

2nd. That operators, who generally understand only their own language, find great difficulty in deciphering Japanese telegrams, so as to be sure that none but ordinary words and compounds authorized by the current usage of the Japanese language, are used.

*Fraudulent Telegrams.*

Provision was made by the International Convention in St. Petersburg for dealing with cases of dishonesty in the construction of telegrams for international transmission; and I think a like method, or some swifter and more effective procedure, should be adopted in the case of fraudulent inland messages—messages between points in Canada and from points in Canada to points in the United States. Note the following statements:—

“Combinations or alterations of words contrary to the usage of the languages are not admitted; the same applies to combinations or alterations simulated by means of reversal of the order of letters or syllables.

“The counting of the office of origin is decisive, both for purposes of transmission and of the international accounts. Nevertheless, when a telegram contains combinations or alterations of words of one of the languages of the country of destination or of a language other than those of the country of origin, contrary to the usage of such language, the office of destination has the right to recover from the addresses the amount of charge not collected. If this right is exercised, the telegram is delivered to the addresses only on payment of the short-charge. In case of refusal to pay, a service advice is addressed to the office of origin. If the sender, duly notified of the reason for non-delivery, agrees to pay the excess, a service advice is addressed to the delivery office; and, on receipt of this service advice, the office of destination delivers the telegram.

“When the administration of origin discovers, after the charge has been collected, that a telegram contains either inadmissible combinations or alterations of words, or expressions of words which, although not fulfilling the conditions of plain or code language, have been charged for as belonging to these languages, it applies to these expressions or words, for the calculation of the short-charge to be recovered from the sender, the rules to which they should have been respectively subjected. The combination or alterations are counted in accordance with the number of words which they would contain, if they were written in the usual manner.”



5 GEORGE V., A. 1915

"The administration of origin acts in the same way when irregularities are pointed out to it by a transit administration or by the administration of destination."—Regulation XIX, paragraphs 8, 9, 10.

### *Ordinary Telegraph Operators.*

No doubt the ordinary telegraph operator who understands only the English language, would find great difficulty in deciding off-hand whether the words in a Japanese telegram though written in Roman letters and formed of syllables capable of pronunciation according to the current usage of the English language, were all ordinary Japanese words and compounds authorized by the current usage of the Japanese language. In fact he could not then and there settle any such question. No more could he do so in the case of a German, Dutch or Latin telegram. He would simply have to insist on its being plainly written in Roman letters, and transmit it, with the understanding that, if it was afterwards found to contain any word or combination of words not authorized by the current usage of the language in question, the sender would have to pay the shortage in charge, and would be liable to prosecution for fraud.

Further, it should be noticed that the said operator would have not greater difficulty in deciphering domestic messages, say, messages from Ottawa to Vancouver, than he has now in deciphering trancontinental cable messages—from Ottawa to Tokio, for example—which are regularly transmitted according to both plain language and code-language count.

### *Official Vocabulary.*

It was further stated by the telegraph companies that an official vocabulary, or dictionary, containing in alphabetical order, all—or nearly all—the words in the eight languages enumerated in the definition of code language, assist operators in deciphering telegrams in these eight languages, while they had no such means of checking improper combinations and evasions in the Japanese language, and a large number of other languages in the list approved by the High Contracting Parties.

Speaking for the Japanese, I may say that I have before me a very good Japanese-English dictionary by I. Nitobe and J. Takakusu. The fifth edition of this dictionary was published in 1907, and it costs \$1.50 in this country. In it, I find Japanese words clearly expressed in Roman letters, as distinct and easily pronounced and read as ordinary English words; and it appears that, on the average, Japanese words are not nearly so long as average words in German, which abounds in long compounds, such as we find in scarcely any other language.

### *English Telegrams in Japan.*

Englishmen in Japan can send messages in plain English words and in code language, between points in Japan, respectively, according to plain-language and code-language count; and I think the Canadian telegraph companies have failed to justify their action in refusing the people of the Japanese Empire like privileges in this country.

### *Conclusion.*

Hence, on the evidence and argument considered in connection with the facts and circumstances stated above, my opinion is, that the application in this case should be granted—that all telegraph companies subject to the jurisdiction of the board should be required and directed as follows:—

(1) To transmit and to receive for delivery, at plain-language count, Japanese telegrams from point to point in Canada and between points in Canada and points in the United States of America, when the said telegrams are composed of plain Japanese words written in Roman letters and authorized by the current usage of the Japanese language.

## SESSIONAL PAPER No. 20c

(2) To transmit and to receive for delivery, from and between the said points, Japanese code telegrams, at code-language count, when the words of the said telegrams "whether genuine or artificial" are written in Roman letters and formed of syllables capable of pronunciation according to the current usage of the English language, as in the case of code messages in English.

This, as above, would be my judgment; but, since the hearing of his application, the Consul General of Japan, admitting that his country has not yet provided a Japanese-English dictionary so comprehensive and satisfactory as the Official Vocabulary used in deciphering telegrams in the eight languages referred to above, has expressed his willingness to concur in and abide by an order directing all telegraph companies subject to the jurisdiction of the Board, to transmit and to receive for delivery, both plain-language and code-language Japanese telegrams, at code-language count (maximum ten letters per word) between points in Canada, and on the Canadian portion of the service in, and in connection with, the transmission and receipt of such telegrams to and from inland points outside of Canada, until such time as a sufficiently comprehensive dictionary (including the Japanese language) is prepared and approved—it being understood that code words of more than ten letters must be counted and charged at cipher rate, namely five letters to the word, but genuine words of more than ten letters may be used in their ordinary sense in a code message or in a plain-language message, and, in such case, shall be counted at the rate of ten letters to a word; plain-language telegrams to be composed of plain Japanese words written in Roman letters and authorized by the current usage of the Japanese language; and code-language telegrams to be constructed of words, "whether genuine or artificial" written in Roman letters and formed of syllables capable of pronunciation according to the current usage of the English language.

So, I recommend that an order go as per the consent of the Consul General.

Ordered accordingly.

March 25, 1913.

## RE GREAT NORTHERN RAILWAY.

Chief Commissioner DRAYTON:

This is a complaint of the Iron Mountain, Limited, the Hudson Bay Mine, and Queen Mines, of Salmo, B.C., complaining (1) of the neglect of the Great Northern Railway Company to supply box cars for the handling of ore; (2) the insufficiency of rolling stock of the said railway company; and (3) excessive freight rates.

The case came on for hearing at Nelson, B.C., and opportunity was given to the parties to amplify by correspondence the admissions then made.

1. The mine owners, in September last, were unable to get cars of any description for loading ore. The railway company had, for some years past, been supplying cars for ore shipments to the Trail Smelter; but, on the 19th September, the railway company's agent at Salmo stated that instructions had been received from Mr. Doyle the superintendent at Marcus, not to supply any more Great Northern cars for ore shipments.

The company's answer to the complaint made by the mine owners was to the effect that its box cars were badly needed to handle grain, and that it had arranged with the Canadian Pacific Railway Company to furnish cars for ore shipments from Salmo to Trail.

The mining companies claim that there are no facilities for loading the ore in dumps; that carbonates will not run in a chute; that the only means of handling ore is with shovels; and that their ore is a carbonate of lead of comparatively low value (some \$24.54½ per ton) which absorbs moisture readily, with the result that, if shipped in open dump cars, the freight rate on the extra weight due to moisture, either in wet weather or winter time, would be high enough to prohibit any shipping at all; and that, for these reasons, box cars must be supplied, or their industry will be ruined.

At the hearing, the railway company's answer was that all its box cars were required to move grain, and that ore cars are constructed on purpose to move ore and should be used by miners, such equipment being set aside for that purpose.

No answer is made by the company to the complainant's allegation as to the character of the ore and the result of exposure to moisture, except a statement that the miners themselves are not careful in keeping their ore dry.

It is apparent from the record that box cars have been supplied for ore traffic for the last seven years; and the shipper should have something to say regarding the equipment necessary for the purposes of his business. No hardship results to the railway company. All railway companies have on hand a greater or less number of box cars that are unfit for the handling of grain and are used for handling such commodities as lumber, coal, etc. Box cars are, I find, suitable,—in many cases necessary—for this traffic, and they must be supplied to the mining companies where requested.

2. On the question as to sufficiency of rolling stock, Mr. Fortier, who appeared with Mr. Doyle for the railway company, on being asked as to the total number of Great Northern box cars available in Canada, stated that he had not the data, but that there were only eight or ten such cars on which duty was paid. He did not think that there were over a dozen on the Nelson and Fort Sheppard line, and that they were built only for the merchandise business in Canada, there being no grain traffic and but little hay; and, when asked a further question, he said that the box cars the railway company had used for the mines, came from the American side. The position was then stated as follows: "You see, on your showing, any efforts you make to look after the Canadian traffic requiring box cars, are entirely incidental to your movement of American freight?" His answer was: "We have had so little business on this side." Mr. Doyle further stated that duty had been paid on 150 or 200 open steel cars.

On the 11th December, subsequent to the hearing, Mr. Doyle, on looking further into his statistics, wrote that the company had 48 duty-paid box cars and 200 steel ore cars; and Mr. Haydon, the company's Ottawa representative, now states that the Great Northern has some 600 cars on which duty has been paid in Canada, and which are assigned as much as possible to Canadian traffic. These cars, however, cover service on the Vancouver, Victoria and Eastern Railway, the Brandon, Saskatchewan and Hudson Bay Railway, the Red Mountain Railway, the Manitoba Great Northern Railway, the Midland Railway of Manitoba, the Kootenay Valley Railway, and the Bedlington and Nelson Railway, as well as the Nelson and Fort Sheppard Railway. Mr. Haydon states that as a result of an interview with the Customs Department, it may be possible that the railway company will ear-mark the duty paid cars for use in Canada, allowing the general equipment of the road to move freely in and out for international business; or that the company may assign certain cars for the Canadian lines, which under Customs' arrangements may be allowed, with international cars, to move freely in and out of the country.

I do not think that any particular identified cars should be held exclusively for Canadian business. Reasonable facilities should be given to shippers on the lines of the company wherever they are situated. It would be absurd to say that cars numbered 1 to 600, for example, should be kept in Canada for Canadian business. Such a practice would have an injurious effect on international traffic; and it is not necessary. The proper practice is for the company to supply the equipment necessary for the handling of traffic from Canada as well as in Canada; and such practice entails, to the extent of international traffic, the common use of a portion of the equipment provided for United States traffic.

The chief operating officer of the Board, after carefully going over the annual reports of the different lines of railway controlled by the Great Northern Railway Company, reports that, at least, one thousand cars are necessary for the handling of Canadian traffic at the present time; but, owing to the difficulty of segregating any given number of cars, it is probably at present necessary simply to say that this com-



## SESSIONAL PAPER No. 20c

pany has failed to provide adequate facilities for its Canadian traffic; that it must so provide; and that the Canadian business must not any longer depend on the accident as to whether or not there are box cars from the United States waiting to be unloaded and returned. The company must provide cars for business originating on its lines in Canada. Whether the cars belong to the company or are supplied by other railways, is a matter of indifference to the shipper. The responsibility rests on the company on whose lines the traffic originates.

I may add that the Board's operating officer will make an inspection of the company's traffic and facilities within six months from this date in order to ascertain whether the Board's directions have been carried out.

3. The question of freight rates will not be disposed of until the work of collecting further data is completed.

Mr. Commissioner McLean concurred.

March 7, 1913.

## RE RATES ON BAR IRON, LONDON TO BLIND RIVER, ONT.

Mr. Commissioner McLEAN:

This complaint is directed against the Grand Trunk Railway and its connecting water carrier, the Northern Navigation Company, and against the Canadian Pacific railway and its connecting water carrier, the Dominion Transportation Company. It is alleged that these lines of carriage are discriminating against Blind River and other towns on the north shore of lake Huron. Blind River is the only one from which complaint has been received.

It is stated that a rate of 19½ cents per 100 pounds on bar iron, in carload lots for shipment from London, Ont., via either Owen Sound or Collingwood is charged to Sault Ste. Marie, Ont., while at the same time a rate of 25 cents per 100 pounds carloads, is charged on the same commodity to Blind River, although Sault Ste. Marie is 70 miles farther on. It is stated, further, that the boats carrying those commodities to Sault Ste. Marie stop regularly at Blind River. The difference in rate practice complained of is stated to be a gross discrimination in favour of the larger towns.

The position of the Blind River Board of Trade is supported by the London Rolling Mills Company, of London, Canada, which desires that the rates to Sault Ste. Marie, Ont., and Fort William should be made a maximum to Blind River and other north shore ports.

It is necessary to set out first a brief statement of the rates in connection with this movement. The Grand Trunk railway tariff C.R.C.E.-1304, effective July 23, 1908, quoted a lake and rail rate of 25 cents fifth class, in which the commodity in question moves from stations in Group A, in which London is situated, to ports of call on lake Superior, as well as ports of call on lake Huron and Georgian bay. This rate, therefore, covered Fort William, Sault Ste. Marie, Ont., Blind River, and the various other ports of call on the Georgian bay and lake Huron. It may be noted in passing that the same tariff quoted a commodity rate on iron and steel articles, including therein bar iron from Montreal and stations west to Fort William and Port Arthur, of 25 cents, this rate being applicable on traffic destined beyond. By Supplement 5 to G.T.R. tariff E-1304, effective to Canadian points, April 12, 1909, a 19½-cent rate on bar iron and other iron and steel commodities was quoted to Fort William, West Fort, Port Arthur and Duluth. By Supplement 9 to same tariff, effective May 15, 1909, a 19½-cent rate on iron and steel articles, including bar iron, was specifically quoted to Sault Ste. Marie, Ont. By Supplement 10 to the same tariff, effective June 24, 1909, the 19½-cent rate to Sault Ste. Marie, Ont., was taken out. During the year 1910, it does not appear from the tariffs on file with the Board that there was any rate to Sault Ste. Marie, Ont., other than the

5 GEORGE V., A. 1915

25-cent rate, applicable to the fifth-class movements, lake and rail. The Grand Trunk tariff C.R.C.E.-2303 cancelling this C.R.C.E.-1304 and supplements thereto, effective on Canadian traffic to Lake Huron and Georgian Bay ports westbound, April 17, 1911, eastbound, April 21, 1911, and on traffic to Fort William and Port Arthur and West Fort, westbound, April 5, 1911, and eastbound, April 15, 1911, repeats the 25-cent rate fifth class, to ports of call on lakes Huron and Superior and Georgian bay, and also quotes a commodity rate of 19½ cents to Fort William, Port Arthur, West Fort and Duluth, and also to Sault Ste. Marie, Ont. This rate to Sault Ste. Marie, Ont., was exclusive of marine insurance across the lake and wharfage at Sault Ste. Marie. The rate of 19½ cents to Sault Ste. Marie, Ont., is repeated in various supplements to C.R.C.E.-2303. It is not necessary to recapitulate these; but the one which requires attention is Supplement 12, effective August 29, 1912, which provides that the 19½-cent rate to Sault Ste. Marie, Ont., will not apply to intermediate ports on the Georgian bay. There is also repeated here the same notation, viz., that the rate is exclusive of marine insurance across the lake and wharfage at Sault Ste. Marie, Ont.

The Canadian Pacific Railway tariff C.R.C.E.—1107, effective April 25th, 1908, quotes a 25 cent rate, fifth class to Lake Superior ports of call and Lake Huron and Georgian Bay ports of call. The C.P.R. tariff C.R.C.E.—1858, effective August 17th, 1910, repeats this rate; but there now appears a commodity rate of 19½ cents on iron and steel commodities, including bar iron, this rate being applicable to Fort William and Sault Ste. Marie, Ont. The railway's tariff C.R.C.E.—2324, effective June 1, 1912, repeats the 19½ cent rate; but there is now added a note that the rate to Sault Ste. Marie, Ont., will not apply to intermediate points on the Georgian bay.

The situation may be summarized by saying that a 19½ cent rate to Sault Ste. Marie, Ont., was in force by the Grand Trunk and its water connections for a short time during 1909; that it is not quoted in 1910; and that it again became effective in 1911. So far as the Canadian Pacific is concerned, this rate apparently became effective in 1910. None of these tariffs contained any statement setting out that the 19½-cent rate was applicable to Blind River, or indeed to any other Lake Huron or Georgian Bay ports east of Sault Ste. Marie.

The water carriers already referred to, the Northern Navigation Company and the Dominion Transportation Company, which participate with the railways in building up the through rate and route are not subject to the jurisdiction of the Board, since neither one of them is chartered, used, maintained or worked, by a railway subject to the jurisdiction of the Board. The question of jurisdiction need not, however, be gone into here, as it was not raised by the Northern Navigation Company which was represented at the hearing, and which stated through its representative that it desired to have the whole matter turn on the question of earnings.

There are in existence also all-water lines operating on the lakes. The Inland Lines operate from Montreal, Toronto and Hamilton to Sault Ste. Marie, Ont., and Fort William. There are also the Canadian Lake line and Merchant's Mutual. These lines do not make joint rates with the railways, but they base on the same rates from the head of the lakes as the lake and rail lines do on traffic beyond.

The rates as between the Grand Trunk, for example, and its water connection divide on certain percentages.

*To Blind River and other Georgian Bay ports, via Collingwood—*

	Per cent.
From Toronto and Hamilton, Grand Trunk. . . . .	50
Steamship. . . . .	50
From Montreal, Grand Trunk. . . . .	65
Steamship. . . . .	35

## SESSIONAL PAPER No. 20c

To Sault Ste. Marie, Ont., Port Arthur, and Fort William via Point Edward—

	Per cent.
From London, Grand Trunk.. . . . .	33½
Steamship.. . . . .	66½
From Toronto, Grand Trunk.. . . . .	42½
Steamship .. . . . .	57½
From Montreal, Grand Trunk.. . . . .	60
Steamship.. . . . .	40

It was stated in evidence, on behalf of the Northern Navigation Company, that the cost of handling was much greater at Blind River than at Sault Ste. Marie, Ont., and that on account of lack of labour there were apt to be great delays in unloading such cargo as bar iron at that point. It was alleged on the other hand, that Sault Ste. Marie possessed greater facilities. These statements are traversed by the representatives of the Blind River Board of Trade, who states that on telegraphic notice there would be no difficulty in obtaining sufficient help for unloading purposes at Blind River at reasonable rates. A statement is also filed on behalf of the Northern Navigation Company.

## STATEMENT OF EARNINGS AND EXPENSES—GEORGIAN BAY DIVISION.

	<i>Majestic.</i>		
	1910.	1911.	1912.
Earnings .. . . . .	\$22,454 30	\$26,835 08	\$26,866 02
Expenses.. . . . .	20,307 53	25,165 35	31,221 81
Profit.. . . . .	\$2,146 77	\$1,669 73	Loss.. \$4,355 79
	<i>Germanic.</i>		
	1910.	1911.	1912.
Earnings.. . . . .	\$56,084 51	\$55,132 50	\$49,762 32
Expenses.. . . . .	42,645 26	45,388 07	43,940 08
Profit.. . . . .	\$13,439 25	\$9,744 43	\$5,822 24
	<i>Midland.</i>		
	1910.	1911.	1912.
Earnings.. . . . .	\$47,601 67	\$46,006 46	\$38,302 85
Expenses.. . . . .	40,375 96	42,121 58	40,775 26
Profit.. . . . .	\$7,225 71	\$3,884 88	Loss.. \$2,472 41

The object is to show that the profits on this business to Georgian Bay ports have been decreasing, and that the result in 1912 was a net loss. The Board is not informed just how these figures are made up. In view of the fact that this portion of the route is not subject to the Board's jurisdiction, it does not seem to me to be proper to build anything one way or the other upon these figures, or to attempt to develop anything from them by further analysis. The Board's jurisdiction is clearly limited to the rail portion of the movement. But if the Board found that there was unjustly discriminatory treatment, the fact that one portion of the route which was not subject to the Board's jurisdiction was carrying traffic at a loss, would not be in mind a conclusive answer in respect of the portion subject to the Board's jurisdiction.

The Grand Trunk has submitted a statement showing its local rates from different points to points where shipments are made to the water lines. From London, the local rate on bar iron to Collingwood is 17 cents. The railway on its 50 per cent division receives 12½ cents out of the 25 cent rate to Blind River. On the movement from London to Sault Ste. Marie, Ont., which goes via Point Edward, the local rate from London to Sarnia or Point Edward is 12 cents. The through rate is 19½ cents, of which the railway receives 6½ cents as its division.

The rate history which has been given draws attention to the fact that on this upper lake traffic there has for a period of years been considerable use of the system of



blanketing. The rates beginning with 1908 show that from Sault Ste. Marie, Ont., to Fort William, there was a blanket of 25 cents, and that Blind River was covered by the blanket. The all-rail rate, fifth class, London to Sault Ste. Marie, Ont., is 35 cents, and Sault Ste. Marie is covered by the same blanket. In explanation of the 19½-cent rate, it is stated in evidence by the railways that this was forced upon them and their water connections by the independent all-water lines putting in a 17½-cent rate to Sault Ste. Marie, Ont., and Fort William. The rail carriers and their water connections met this by putting in a rate two cents higher, and in meeting this water competition they graded the rates from various inland points.

As respects the application of the 19½-cent rate to Blind River, the first question is, what is the wording of the tariff or tariffs? As has been pointed out, the 19½-cent rate when put in to Sault Ste. Marie, Ont., specifically mentioned Sault Ste. Marie and the other points to which it was applicable, no mention being made of Blind River or any other intermediate Georgian Bay ports. So far as the tariff goes, there is apparently no sanction for the 19½-cent rate to Blind River. Possibly the application of the 19½-cent rate to Blind River might be invoked on the ground that the practice whereby the longer distant points were given the lower rate was in violation of the long and short haul clause. It is stated by Mr. Braithwaite of the Blind River Board of Trade that during the season of 1911, the 19½-cent rate was applicable to Blind River. As I have stated, I find no tariff sanctioning this. I do not know how it was applied in practice (considering the way the tariff is worded) to this point. It may be that the agent or agents in quoting rates, having in mind the lake and rail blanket of 25 cents, as well as the all-rail blanket of 35 cents, assumed that the Sault Ste. Marie rate was a maximum to intermediate points. In the absence of any evidence how this rate was so applied, further conjecture is useless.

Both the Canadian Pacific and the Grand Trunk started out in the season of 1912 with no words in their tariff stating that a rate to Sault Ste. Marie, Ont., was inapplicable to intermediate points. What, if anything, is to be built on this and on their subsequent action?

A 17½-cent rate to Sault Ste. Marie and Fort William is applicable by all-water carriers which do not make the smaller intermediate Georgian Bay ports, and there is not the same competition of water carriers to intermediate ports as to points on the direct line to lake Superior.

The question as to whether the difference in treatment as between Blind River and Sault Ste. Marie, Ont., is an undue preference or unjust discrimination turns on the matter of water competition.

While the Railway Act has conferred a wide jurisdiction over railway rates upon the Board, it has not conferred jurisdiction over the rates of water carriers, except—

(1) In regard to port to port traffic between Canadian ports by sea or land or by inland water on vessels which the railway subject to the Board's jurisdiction "owns, charters, uses, maintains or works," and

(2) In the case of through traffic and through rates over a line of railway subject to the Board's jurisdiction, and a water carrier which such railway "owns, charters, uses, maintains or works."

Parliament in dealing with the regulation of railway rates, in the Railway Act, has recognized that the large investment of capital in a fixed form in railways and the special conditions attaching to railway business have limited the efficiency of the competitive principle in its application to rates. The legislation of Canada in regard to railways embodies in this respect the outcome of a gradual evolution. Experience has led the legislators of Canada to the same conclusions as have been arrived at in England and in the United States. But in the Railway Act, Parliament, by its general silence in regard to water transportation, has recognized that this stands on a different footing from railway transportation. It is safe to say that water transportation has been recog-

## SESSIONAL PAPER No. 20c

nized as more highly competitive than railway transportation, and that it is on this account Parliament has not deemed it necessary to intervene here to hold the balance true between the shipper and the transportation agency. There has also been reliance on water transportation, as a regulative factor. The Railway Act has recognized by its silence what experience teaches. In the case of water competition, the expenditure of a sum of money which would be sufficient only to construct, say, six or seven miles of fully equipped railway track, creates a transportation carrier which can move freely from place to place and from route to route over the free right of way of the waters. The interposition of water transportation creates not only a regulative force, but also brings into being seeming anomalies in regard to rates.

A rate regulative tribunal has to recognize that water competition where effective demands recognition, and that its effect may be by creating competition at a point or points; to afford a justification of a rate situation, which, if it were brought about by railway conditions alone would fall within the inhibitions of the Railway Act in regard to unjust discrimination and undue preferences. The Board has had, on various occasions, to deal with the question of water competition. By its order issued December 1, 1905, No. 794, it granted the Canadian Pacific Railway Company permission to meet on the Pacific coast the competition of independent water carriers, not subject to the Railway Act. This permission applied not only to the port to port traffic, but also to the situation where the transportation was partly by railway on the lines of the company in Vancouver island, and partly by water from a port on Vancouver island to a port on the main land.

Again, on December 3, 1908, the Board by its order No. 5774 granted a similar permission, as a result of an application made by the Vancouver, Victoria and Eastern Railway and Navigation Company. The Board has said in respect of a compelled rate based on water competition, it is the privilege of the railway, in its own interests, to meet water competition. It is not, however, the privilege of the shipper to demand less than normal rates because of such competition which the railway does not in its own interests choose to meet. It has further said that where the railway chooses to meet water competition, it is to be presumed, unless the contrary is established, that it does so because there is effective competition in regard to traffic important in amount. *Plain and Co. vs. C.P.R.* 9 Can. Ry. Cas. p. 223. The same position has been followed by the Board in *Canadian Oil Companies vs. the Grand Trunk, Canadian Pacific and Canadian Northern Railways*, 12 Can. Ry. Cas. 350. It has also used the following language:—

“In Canada, the competition of a boat line which is not owned, chartered, used, maintained or worked by a railway subject to the jurisdiction of the Board, is exempt from the Board’s control. It is recognized that on such a state of facts it is in the discretion of the railway to what, if any, extent it shall recognize this competition; and if competition forces the rates of a railway below its normal basis, it follows that when the competition is less effective the railway may bring its rates up more closely to its normal basis.”—*Dominion Millers’ Association vs. G.T. and C.P. Ry.* Cos. 12 Can. Ry. Cas. 368.

The Board has had before it of its own motion the question of the obligations of railway companies under section 7 of the Railway Act, in respect of port to port traffic carried by vessels which they own, charter, use, maintain or work. “It was pointed out by the Board’s circular No. 59, of February 15, 1911, that it was probably the intention of Parliament that local traffic between ports in Canada carried entirely in or upon vessels particularized in section 7 as distinguished from through traffic carried by a vessel as part of a continuous rail and water route, should be subject to the tariff clauses of the Railway Act,” and the railways subject to the Board’s jurisdiction were required to show cause why standard freight and passenger tariffs should not be filed. Submissions were made by the railways concerned; and the Board, being seized of the difficulties in the way, stated that on March 28, 1911, by amendment No. 1 to circular

No. 59, that "in view of the difficulties that would be placed in the way of companies operating ships in port to port traffic in competition with local boats free from provisions of the Act" it was not deemed expedient to require the filing of the tariff referred to in its circular No. 59.

The situation as between Blind River and Sault Ste. Marie, Ont., falls squarely within what has been decided by the Board. The railway companies, in conjunction with their connecting water carriers, have put in a rate basis to Sault Ste. Marie, Ont., and Fort William which is compelled by the water competition. The water competition important in amount and effect applies to Sault Ste. Marie and on the upper lake traffic. Blind River is off the line of this competition. It is in the railway's discretion whether it shall meet this water competition; but the fact that it has met the water competition at Sault Ste. Marie, where such competition exists, is not a reason why its discretion should be limited as to Blind River where the competition of the all-water lines does not exist. The lake and rail rate to Blind River is below the normal basis of the all rail rate, this being due to water competition. This lake and rail rate to Blind River is not attacked as unreasonable in itself. The fact that the 19½-cent rate was apparently applied to Blind River during the season of 1911 has no conclusive bearing on the matter. As has been indicated, there is no tariff sanction for so applying the rate, except, possibly, by inference. But if, irrespective of any explicit tariff sanction, the application of the 19½-cent rate to Sault Ste. Marie resulted in the same rate for a time being applied to Blind River, this in no way limits the right of the railway to take out this rate when the water competition becomes less effective, or when the railway thinks it has become less effective, or even when the railway no longer desires to meet it. The allegation of discrimination, has, therefore, been disproved, and the application must be dismissed.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

Order, dismissing the complaint, issued.

March 12, 1913.

RE INCREASED RATE ON PRESSED BRICK, BRADFORD, PENNSYLVANIA, TO WINDSOR, ONT.

Mr. Commissioner McLEAN:

On the original hearing of this complaint, the only matter at issue was the increased rate on pressed brick from Bradford, Pennsylvania, to Windsor, Ont.

The decision, as given in the original hearing, was based on the procedure which had been adopted by the Board in respect of the onus in the matter of reasonableness. In effect, the decision as rendered was a non-suit so far as the railway was concerned. The Board had laid down in various decisions that where a rate which had been for some time in force was increased, the burden of proving that such increase was reasonable was on the railway; it being held that a rate established in the first instance by a railway of its own volition was presumptively reasonable; and that it was incumbent on the railway, if such initial rate was reasonable, to show with reasonable conclusiveness what changed conditions or increase in cost of operation justified the advance of the rate. The Board, it is true, had on various occasions expressed opinions somewhat at variance with this. In dealing with the question of joint switching rates in Toronto, Chief Commissioner Killam used the following words: "It does not appear to me that the railway companies are bound to make an exception in the case of Toronto, or that because of their having thus mutually absorbed these charges for a considerable length of time, they must necessarily continue to do so forever. The whole question is one of reasonableness, and while the continuance of the practice affords evidence of its reasonableness, it is not conclusive."

Canadian Manufacturers' Association *vs.* Canadian Freight Association, 7 Can. Ry. Cas. pp. 307, 308. The same position was followed by the Board in Laidlaw Lum-



SESSIONAL PAPER No. 20c

ber Co. *vs.* Grand Trunk Ry. 8 Can. Ry. Cas. p. 194, and in *Montreal Produce Merchants' Association vs. Grand Trunk Ry. and Canadian Pacific Ry. Companies*, 9 Can. Ry. Cas. p. 238.

The railways have continuously urged before the Board that while there have been increases in general cost of operation, it is not possible to so analyze these increases so as to show in detail how they affect each particular commodity moved, and whether each commodity moved participates in the increased cost of movement in greater or lesser degree. Undoubtedly the railways, in common with other portions of the public, have felt the effect of the steadily upward movement of the price curve, a movement which has been so practically continuous in one direction that the curve is now virtually a tangent. In effect, the decision in the Pulpwood case is that while the continuance of the particular rate may raise a presumption of fact as to the unreasonableness of the increased rate, there is no presumption of law which must be rebutted. In dealing with an analogous situation, the Supreme Court of the United States has said:—

“Undoubtedly where rates are changed, the carrier making the change must be able to give a good reason therefor; but the mere fact that a rate has been raised carries with it no presumption that it was not rightfully done. *Interstate Commerce Commission vs. Chicago Great Western Railway Co.*, 209 U.S. 118.

The Board had dealt with the onus as to reasonableness in the Pender group of cases and in the Davy case.

Complaint of James Pender & Co., St. John, N.B., respecting rates on iron goods from St. John, N.B., to points on the Quebec Central Railway. File 10720.

Complaint of the Portland Rolling Mills, Ltd., of St. John, N.B., against the rates charged on bar iron and nails from St. John, N.B., to Quebec Central Railway points. File 10720-1.

Complaint of the Maritime Nail Company, Limited, against the rates charged on bar iron and nails from St. John, N.B., to Quebec Central Railway points. File 10720-2.

Davy v. N. St. C. & T. Ry. Co., 9 Can. Ry. Cas. 493. In these cases, the onus being placed on the railway, it was required that the information as to changed conditions and cost should be as to the particular commodity on which the rate increase had been made.

Now while the onus still remains, the effect of the Board's judgment in *International Paper Co. et al v. G.T.R. et al* is that the Board has a wider discretion. This judgment in effect sets out that not particular cost alone nor conditions peculiar to that particular commodity, but all material conditions and costs, including there with comparison of rates, may be given such weight as seems reasonable to the Board. It follows that for this purpose all tariffs on file with the Board, whether referred to in the record or not, are part of the record.

The present rehearing must be dealt with in the line of the principles which the above-mentioned case has developed.

In the application for a rehearing, the railways stated that while the original application had dealt simply with the question of increase of a particular rate, the change in rate was the outcome of the adoption of a new rate scheme in regard to bricks, in which while there were some upward movements there were other downward movements. They pled in effect that the rate situation in respect of the brick movements should be looked at from the standpoint of the rate scheme, not from the standpoint of a particular rate.

In the original hearing, much had been made of the decision in the United States, in which the Interstate Commerce Commission had directed that identical rates should be given on firebrick, paving brick and building brick. This decision is spoken of in railway circles as meaning that “a brick is a brick.” It was shown in the rehear-

ing that whatever the pertinency of this phrase may be as a determining factor in the reasonableness of rates on brick in the United States, it has no necessary connection whatever with what has been done in Canada by the railways, and that the railways have acted entirely of their own volition.

The railways having urged that the general effect, not the effect of a particular rate, should be considered, they were permitted to file statements showing the nature of the brick movement to various representative points, the earnings on these movements at the new rates, and the earnings on the old rates. These statements are now before the Board. They cover movements to Toronto, Oshawa, Hamilton, Midland, London, Brantford, Windsor, and Guelph, Ont., from points of origin in the United States. Of these points of origin, eight are located in Ohio, viz., Nelsonville, Canton, Cleveland, Delaware, Portsmouth, Wadsworth, Mariette and Strassburgh. Six are located in Pennsylvania, viz., Emery, Lewis Run, Rochester, Bradford, St. Mary's and Karthaus. Two are located in Kentucky, viz., Ashland and Haldeman; and one in Michigan, viz., Detroit. These returns cover the movements of fire brick, paving brick and building brick for a period from June 1 to November 30, 1912, over the Grand Trunk Railway system, the Michigan Central, the Toronto, Hamilton and Buffalo, and the Canadian Pacific Railways. These cover a total movement of 761 cars, subdivided as follows: fire brick, 578; building brick, 120; paving brick, 63. The statements presented do not cover the Wabash and Père Marquette movements. The Wabash did not move any cars of brick from the United States to any of the points mentioned during the period in question while the Père Marquette moved forty-six cars to Chatham and Walkerville. Six of these were from Detroit, six from Ohio and Kentucky points, and the remainder from New York and Pennsylvania. The Père Marquette figures do not appear to be very material.

An analysis of the summary of earnings for the six months' period shows a net decrease of revenue, as a result of the arrangement of \$1,988.88. The figures as submitted showed a decrease of \$2,122.87. But some portion of the decrease as thus given is due to the fact that in particular cases there is now a through rate, where formerly the only rate combination available was the sum of the locals. This of necessity adds to the percentage decrease. Where the old rate was the sum of the locals this would not be characteristic, as where there was a choice by another route at a through rate there would not be any considerable movement on the sum of the locals. An attempt has been made in checking the summary to make allowance for this.

The following summary gives the summary detail as to increases and decreases, both in gross amount and per ton:—

## FIRE BRICK.

	Lb.	Decrease.	Increase.	Per Cent of Total Movement.
G.T.R. . . . .	19,540,907	\$1,854 18	.....	
M.C.R. & T.H. & B. . . . .	11,814,965	259 94	.....	
C.P.R. . . . .	2,435,100	159 83	.....	
	33,790,972	\$2,273 95	.....	73.8

Decrease per ton, 13.4 cents.

## BUILDING BRICK.

	Lb.	Decrease.	Increase.	Per Cent of Total Movement.
G.T.R. . . . .	4,130,550	.....	\$205 90	
M.C.R. & T.H. & B. . . . .	178,500	.....	11 60	
C.P.R. . . . .	3,152,060	\$9 64	.....	
	7,461,110	Net...\$	\$210 86	16.2

Increase per ton, 5.6 cents.

SESSIONAL PAPER No. 20c

PAVING BRICK.

	Lb.	Decrease.	Increase.	Per Cent of Total Movement.
G.T.R. . . . .	3,251,700	\$34 98	.....	
M.C.R. & T.H. & B. . . . .	270,000	.....	\$43 50	
C.P.R. . . . .	1,904,600	.....	65 79	
	4,526,300	Net. . . . \$	\$74 31	9.8

Increase per ton, 3.2 cents.

The figures of the importation of brick into Canada during the year 1912 via Detroit, Port Huron, Black Rock and Suspension Bridge, amounted to 83,281,085 bricks, valued at \$1,006,091. The returns as given for the six months' period deal with 45,778,382 pounds weight of brick. As the United States Customs returns are for quantity, not for weight, no percentage comparison can be made.

The total movement of brick to Windsor during the six months' period was 79 cars, made up as follows: Paving brick, 2; building brick, 67; fire brick, 10. A further analysis shows that the building brick, which is the gravamen of the Cadwell Company's complaint, is subdivided as to car movement and sources of supply as follows: Detroit, 21; Ohio, 25; Pennsylvania, 21.

There are two points in the application of the Cadwell Sand and Gravel Company; (1) the increase of rate to Windsor is unjustified; (2) Windsor should have the same rate as Detroit, viz., \$1.60. The \$1.60 rate is fixed by the commercial competition of the Ohio brick plants, which are a shorter distance from Detroit than are the Pennsylvania plants. Under these conditions of trade competition, the rate from the Ohio fields fixes the maximum which brick from the Pennsylvania field can pay. It holds down the Pennsylvania-Detroit rate below the point which it might fairly be expected to pay on mileage. The \$1.60 rate being concerned with the condition of market competition at Detroit, which does not exist at Windsor, therefore does not afford a measure of the Windsor rate.

The rate to Windsor remains to be considered.

A summary of the six months' statistics already referred to may be put in condensed form in the following table:—

Railway.	Kind of Brick.	Average weight per car.	Average earnings per car.
C.P.R. . . . .	Paving.	63,153	\$ 83 85
	Building.	63,043	50 82
	Fire.	62,438	75 20
M.C.R. & T.H. & B. . . . .	Paving.	67,500	83 37
	Building.	44,625	46 50
	Fire.	59,366	60 84
G.T.R. . . . .	Paving.	81,693	112 12
	Building.	62,659	57 87
	Fire.	57,473	67 87

It will be noted that in general the building brick, included in which is pressed brick, loads to a lighter weight per car than the other kinds of brick, and returns smaller earnings per car. The weights and earnings on the building brick movements to Windsor show variations in point of weight and point of earnings as between the different lines:—

Railway.	Average weight car.	Average earnings car.
C.P.R. . . . .	73,250	\$67 96
M.C.R. & H.H. & B. . . . .	42,833	41 83
G.T.R. . . . .	61,983	55 39



5 GEORGE V., A. 1915

There is no movement of building brick by the C.P.R. to Windsor during the six months' period from Pennsylvania points taking the Bradford rate, viz., \$2. For the G.T.R. and the M.C.R. and T.H. & B., the following detail may be extracted:—

Railway.	Ex.	Cars.	Loaded weight.
G.T.R. . . . .	Rochester, Pa.	1	55,000
	Lewis Run, Pa.	15	858,300
	Bradford, Pa.	2	143,000
		18	1,056,300
<hr/>			
M.C.R. & T.H. & B. . . . .	Emery, Pa.	2	86,000
M.C.R. & T.H. & B. . . . .	Lewis Run, Pa.	1	42,500
		3	128,500

This gives an average loaded weight from these points via the G.T.R. of 58,683 pounds and via the M.C.R. and T. H. and B. of 42,833 pounds. The weight via the G.T.R. which equals 29.3 tons per car, may be taken in order to measure the earnings. The average receipts of \$2 per ton work out at \$58.68 per car. Out of the \$2 rate from Bradford to Windsor, the Grand Trunk receives \$1.20 per ton, or \$35.34 per car. The distance from Buffalo to Windsor on which the Grand Trunk earns \$1.20 is 230 miles, that is to say on this haul its earnings per car mile are 15.3 cents. Under the old proportional of 88 cents per ton, the Grand Trunk earned .386 cents per ton mile. Under the new proportional of \$1.20, it would earn .521 cent per ton mile.

Comparison with other rates is of interest. The rate from Bridgeburg to Windsor, a distance some 5 miles shorter than from Buffalo to Windsor, is on the standard 10th class, 10 cents per 100 pounds weight, which works out 1.03 cents per ton mile. The special town tariff 10th class is 11 cents per 100 pounds, which works out .982 cent per ton mile. The special mileage brick tariff is  $9\frac{1}{2}$  cents per 100 pounds, which works out .848 cents per ton mile. Under the brick tariffs which are being considered, the rate from Black Rock to Montreal via Grand Trunk, is \$2.05, or a ton mile rate of .473. To Ottawa via M.C.R. and T. H. and B. and C.P.R., there is the same rate, the ten mile rate working out .5923. To St. John, N.B., via M.C.R. and T. H. and B., and the C.P.R., the rate is \$4.80 per ton. The distance is 905 miles and the ton mile rate is .5303 cent. Comparison may also be made with the rate on pressed brick from Toronto to Ottawa and Montreal. The rate is blanketed to both points at \$1.80. Ottawa is a distance of 256 miles and Montreal 384. The ton mile rate works out .703 and .54 cents.

It has been submitted in evidence before the Board in the matter of rates on quarried stone that one-half cent per ton mile is the lowest rate on that commodity.—*Doolittle and Wilcox, v. G.T.R. and C.P.R. Cos., 8 Can. Ry. Cas. 11.*

Stone is a tenth class commodity. It was at the same time submitted by the applicants that the rate should be made up of this one-half per ton mile for movement expenses plus a terminal charge of 25 cents per ton on the shorter hauls and a lesser terminal charge on the longer hauls. It was held in this case that this procedure was defective in that it did not recognize that terminal cost entered both into the loading on the cars and the unloading therefrom. Computations which have been made in the United States place average terminal costs for loading and unloading at 25 cents per ton at each end of the line. This was the figure of transshipment cost on large movements of grain at Depot Harbour on the Parry Sound Railway. If brick were given a ton mile rate of one-half cent, plus a terminal charge of 25 cents per ton at each end of the route, the Bradford-Windsor rate would be \$1.55 plus 50 cents, or \$2.05 per ton.

Reference has been made to the special mileage brick tariff from Bridgeburg to Windsor. In the absence of evidence as to there being an actual movement over the

## SESSIONAL PAPER No. 20c

whole of this distance on this tariff, a comparison may be made with a low grade commodity which does move. Brick and coal are both tenth-class in the Canadian Classification, and usually move on commodity rates. Pressed brick from Bradford averages 6 pounds per brick. This brick, which sells at from \$22 to \$26 per 1,000, is, therefore, worth from \$7.33 to \$8.66 per ton. Bituminous coal is of lower value than the pressed brick in question.

From Buffalo to Windsor, the rate on bituminous coal per net ton is \$1, and on the anthracite 90 cents, which figures out ton mile rates of .434 cent and .391 per ton mile. The following table puts the ton mile earnings in summary form:—

Brick, old proportional of 88 cents . . . . .	.386 cents per ton mile.
Coal, bituminous . . . . .	.434 " "
Coal, anthracite . . . . .	.391 " "
Brick, new proportional of \$1.20 . . . . .	.521 " "

The earnings per car mile on brick have been given. Coal moves in 50-ton cars giving earnings per car from Buffalo to Windsor as follows: Bituminous coal, \$50; anthracite, \$45. Put in summary form the car mile earnings are as follows:—

Bituminous coal . . . . .	20.15 cents per car mile.
Anthracite coal . . . . .	17.4 " "
Brick, new proportional . . . . .	15.3 " "

It is to be recognized that the volume moving is a factor in the determination of the rate. The statistical returns published by the Department of Railways and Canals bulk cement, brick, and lime; and so it is impossible to make any exact comparison of the total brick movement with the total coal movement. Subject to this modification, the tonnage movement over the Grand Trunk for the year ending June 30, 1912, was as follows:—

	Tons.
Anthracite coal . . . . .	2,047,314
Bituminous coal . . . . .	2,440,302
Cement, brick and lime . . . . .	898,242

After due consideration of the new rate system on brick as tested by the figures which have been analysed, and also after consideration of the different sources from which the brick moves into Canada, and the earnings thereon per car mile and per ton mile, I am of opinion that the rates as charged are not unreasonable.

Chief Commissioner Drayton and Commissioners Mills and Goodeve concurred.

Order made refusing application of the Cadwell Sand and Gravel Co., Ltd.

March 25, 1913.

## RE CLASSIFICATION OF FLANNELETTE SHEETS.

The Montreal Board of Trade applied for an order directing that flannelette sheets be added to the dry goods list of the Canadian Freight Classification at the same ratings as are provided for "cotton piece goods", namely L.C.L. 2nd class and C. L. 4th class.

Mr. Commissioner MILLS:

After due consideration of the evidence, argument and correspondence in this case, I am of the opinion that it is not advisable to make the proposed changes in the classification, that an order should go refusing to grant the application, and that copies of the chief traffic officer's report of March 20, 1913, should be sent out with the order.

Concurred in by Assistant Chief Commissioner Scott and Commissioners McLean and Goodeve.

Ordered accordingly.

March 26, 1913.

## REPORT OF CHIEF TRAFFIC OFFICER HARDWELL.

The application is that flannelette sheets be added to the dry goods list of the Canadian Freight Classification at the same ratings as provided for "cotton piece goods" viz. L.C.L. 2nd C.L. 4th class. At present flannelette sheets take the ordinary dry goods rating, viz., first class in any quantity, there being no car-load rating, and they are so treated in the American Official and Western Classifications.

The cotton piece goods list of the Canadian Classification includes a number of articles commonly known as "domestics" and amongst these are flannelettes. The reduced ratings of this list are conditioned on the various articles being made "wholly of cotton in the original piece, uncut." In giving these "domestics" their reduced ratings, the companies have evidently regarded them as, in a sense, raw material, to be cut up and made into various articles of wearing apparel and household use in the factories, or the home.

The list has stood in the Canadian Classification for a number of years, and is practically the same as in the Official Classification. The application is based on the fact that although the flannelette sheets are cut and webbed, or bound, at the ends, these operations add but a trifle to the selling price as compared with the piece goods. The only manufacturers in Canada are the Dominion Textile Co., whose factory is at Montmorency Falls, Que., (represented at the hearing by Mr. Dodd) and Canada Cottons, Ltd., whose factory is at Cornwall, Ont. Mr. Dodd stated that ten years ago the bulk of the trade was in piece goods; that the manufactured sheets were first introduced from the States and created a demand in Canada, so that to-day not 1 per cent of the goods is sold in the piece. (A wholesale firm informed me that in their trade the comparison is about 95 to 5.) The sheets from the States paid, and still pay, first class rates, regardless of quantity.

The application is based largely on comparative values. Whether the process of finishing adds little or much to the value, it removes the article from the "piece" list.

Refinement of classification is impossible with the limited number of merchandise classes, and goods have therefore to be broadly grouped. Mr. Dodd stated that woollen blankets ran from \$3 to \$25 a pair; yet they are grouped in one class, viz., first; the cheap hat or tweed cap is in the same class with silk hats; and so on with other lines of dry goods, boots and shoes, etc. The presumption is strong that if this application were granted the door would be open to others. The shoddy or "union" blanket is intermediate in price between the flannelette (or cotton blanket) and the woollen blanket; and the price is not far below that of the cheaper grade of the latter.

The application for a carload rating clearly has in view mixed, not straight, carloads. Mr. Tilston (6385-6) "If a carload rating was granted the traffic in straight carloads, or mixed carloads, would go as cotton piece goods." It is much to be doubted whether this article can be shipped at present in solid carload lots, except, perhaps, an occasional car to a jobbing house. A statement of shipments from both firms during the months of November and December was put in; but these aggregations represent shipments to various consignees. These firms, making, as they do, all descriptions of "domestics" might easily make mixed carload shipments; and this would, if the application were granted, enable them to ship small lots of this flannelette sheeting at the carload 4th class rating; while the ordinary shipper must pay first class. The request is in the interest of the manufacturing and jobbing trades; and I would point out that Mr. Carpenter, who represents the Winnipeg jobbers and wholesalers, supports the application; reminding the Board, at the same time, of its refusal of the Winnipeg application for a carload rating on blankets, and on knitted wear as well. It might prove difficult for the Board consistently to repeat its refusal if, as I should expect they would, those applications were renewed in the event of the present one being successful.

It is true that there are a number of such carload ratings in the classification; but these are largely confined to the heavier goods such as groceries, hardware and



## SESSIONAL PAPER No. 20c

the like; and I do not think it would be wise unduly to extend the principle. Mr. Walsh's reference to distribution of the cost of transportation as the object of freight classification cannot be questioned; yet the reductions in the ratings of articles that are able to bear the higher carrying charges must necessarily tend to curtail the ability of the carrier to make lower rates without which the cheaper commodities cannot move at a profit.

It is my impression that the reductions asked for would not benefit the consumer.

For the reasons stated I am unable to endorse the application, and beg to recommend accordingly.

Respectfully submitted.

## RE CHARGE BY C.P.R. INCOMING AND OUTGOING CAR DELIVERY TO CAR BARGES, KELOWNA, B.C.

Mr. Commissioner GOODEVE:

I had occasion to have the charter under which this railway is operated looked up by the Board's law clerk, under file No. 19641, and in the memorandum submitted by him it was found that the company's charter did not extend to Kelowna; therefore, any spur tracks that were laid down must have been without the approval of this Board. I have been confirmed in this by consultation with the chief engineer of the Board, who assures me that no application was received or approved by it; therefore, our jurisdiction must be entirely confined to the powers we have by 7-8 Edward VII, chapter 61, paragraph 9, viz., "cartage, handling or delivery of goods, etc." I agree, therefore, with Mr. Beatty in statement made in No. 3 of his answers to the Board's questions, that there can be no discrimination because the same conditions do not exist at the places cited, and cannot exist elsewhere for the reason I have stated. The question then involves itself into whether the charge made is reasonable and fair.

It would appear that these portions of trackage were laid under a mutual agreement between the owners of the warehouses and the railway company, with a view to facilitating the handling of merchandise in car lots, and reducing the costs in connection therewith.

Mr. Fisher, in his letter of January 27, gives as a reason why this charge should be discontinued that the users of these spur tracks are made to pay an annual fee for their up-keep; but no doubt this was part of the agreement and was clearly understood by both parties when they agreed to pay the sum of \$1 per car for the placing of the cars. Further on in his letter Mr. Fisher makes use of the following:—

"The railway company does not make such a charge in any city where there are railway facilities or a yard engine, and this being part of the whole system, why should we be made to pay any charge at all when the full freight charge as per their schedule is paid. We maintain that proper delivery is essential on the part of the company, and it is not proper delivery simply to unload a car from the barge to the ship, and why should extra payment be made for a service which it is the company's duty to do as part of their contract?"

I have already shown that this is not a correct comparison, as under their charter the railway ends at Okanagan Landing; and these spurs are not a part of the whole system. And that while their tariffs filed with the Board quote rates through to Kelowna which includes the ferriage, or transportation by boat or barge from Okanagan Landing to Kelowna, it would be proper delivery to unload the car at the slip. This is recognized at all points where there are water terminals.

If the claim made for free delivery were allowed, and this principle laid down, any one could demand that the railway company be compelled to lay spurs and deliver carload lots any distance free of charge. It would also be necessary to apply this principle to package freight, which, I think, would be clearly unfair.

5 GEORGE V., A. 1915

I think, therefore, as the rate in itself is unreasonable, the claim should be disallowed.

Chief Commissioner Drayton concurred.

Order, dismissing application, issued May 5, 1913.

RE DIFFERENCE IN FREIGHT CHARGES BETWEEN G.N.R. AND C.P.R. HUDSON BAY MILLING CO., SALMO, B.C.

Mr. Commissioner McLEAN:

This complaint which deals with the rates on silver lead ore from Salmo, B.C., which is located on the Nelson and Fort Sheppard Railway, a controlled line of the Great Northern Railway, was launched in the first instance in the course of a more general complaint in regard to car supply. The complaint was not received in time to be heard at the hearing in Nelson on December 9, 1912; consequently the position of the railway has had to be developed through correspondence, and it has been found necessary, after thus receiving information, that further information should be forwarded. All this has entailed a long delay. This delay, however, is inseparable from a situation where a case had to be developed through written statements.

The applicant complains that the Great Northern forces him to bill his ore at a valuation of \$100 per ton. He states further that he is charged \$1.25 per ton for a haul of 35 miles from Salmo, B. C., to Nelson, B. C., while the Canadian Pacific charges 60 cents per ton from Nelson to Trail, a distance of 60 miles; and he states that the C.P.R. in addition to granting him this low rate, does not force him to overvalue his ore. He also states that his ore is low-grade, with a maximum value of \$24.54½ per ton.

The figures given as to the comparison of the Great Northern and of the Canadian Pacific rates require correction. While the distance from Salmo to Nelson is 35 miles, the distance from Nelson to Trail is 45 miles. This gives the following results:—

Ton mile rate, Salmo to Nelson. . . . .	3.58 cents.
Ton mile rate, Nelson to Trail. . . . .	1.33 cents.

The ore is moved in box cars from Salmo to Nelson with an average loading of 30 tons, which gives car mile earnings of \$1.07. The C.P.R. rate applied to a 20-ton car movement gives car mile earnings of 40 cents.

It does not of necessity follow that the rates of one railway are to be taken as a conclusive measure of what it is reasonable to charge on another railway.—*Dominion Sugar Co. v. Canadian Freight Association*, 14 *Can. Ry. Cas.* 192.

Not simply mileage comparisons, but also comparisons in respect of conditions of operation, cost of carriage, volume of traffic, etc., would be necessary. And these to be conclusive would have to point to similarity if not to identity of conditions.

In the year ending December, 1912, the Hudson Bay and Iron Mountain Mines, which are located at Salmo, B.C., shipped to Nelson 2,711 tons of ore. In the same year, the movement from Nelson to Trail over the Canadian Pacific Railway amounted to 70.625 tons of ore. The tonnage from Salmo, which moves to Trail for smelting, would of necessity be included in the C.P.R. total; but making allowance for this, it is seen that the C.P.R. tonnage would still be about 25 times as great as that of the Nelson and Fort Sheppard on the ore movement from Salmo to Nelson. Taking an average loading of 30 tons per car, it will be found that the ore shipment from Salmo to Nelson represents 90 11-30 cars, while from Nelson to Trail it is 2420 5-6 cars.

The C.P.R. in giving a low rate basis on the ore moving to the smelter at Trail, is assured thereby that it will obtain a higher return on the more valuable refined product outbound from the smelter. It has been recognized that it is in the discretion of the railway to take into consideration not only the rate on the inbound raw material, but also the rate on the outbound product.—*Michigan Sugar Co. v. C. W. & L. E. Ry. Co.* 11 *Can. Ry. Cas.* 363.

## SESSIONAL PAPER No. 20c

The lower rate which the C.P.R. charges from Nelson to its smelter is in reality an aid to the development of the business of that smelter, and a means whereby the outbound refined product may be increased with a resultant addition to revenue. In the case of the Nelson and Fort Sheppard Railway shipments to Nelson, there is not any resultant addition to the revenue of the railway arising from an outbound haul on the refined product. The smelter which formerly existed at Nelson is not now in operation.

The circumstances affecting the rate charged on the movement of this ore over the C.P.R. differ to such an extent from those attaching to the movement on the Nelson and Fort Sheppard that it does not appear justifiable to take the C.P.R. rate as a measure of what should be charged on the Nelson and Fort Sheppard.

The applicant complains of the valuation of \$100 per ton. He appears to be under the misapprehension that in some way this valuation affects the rate charged. The applicant, however, does not pay a rate on this \$100 valuation. The reason for the \$100 valuation in the tariffs is explained by the railway as follows;—

“With regard to that portion of the complaint relative to payment of freight charges on the higher valuations, we submit the impracticability of providing a different rule for each mine, and have therefore established a general rule in our various ore tariffs which places all shippers on an equality. Final adjustment of freight charges is made on basis of the returns from the smelters, and of course, charges must necessarily be assessed on some fixed value, prior to the actual value determined by the smelter returns. It would be just as unfair to the carrier to collect charges on basis of the low valuation rate in the transportation of ore carrying a very high valuation, as it would be to the shippers to assess charges on the higher valuation for ores running low in value, and in order to equalize the matter and establish what we consider a fair rule for all, we have provided that charges shall be collected in the first place on the rate applying on \$100 ore. This is the method in effect on all other shipments and adjustments are promptly made. We have had no other complaints on this point.”

As a matter of fact, the rates charged on ore from Salmo to Nelson are as follows:—

\$1.25	per net ton	when valuation does not exceed \$	25	per ton
\$1.50	“	“	“	35 “
\$2.00	“	“	“	50 “
\$3.00	“	“	“	100 “

The rate charged, \$1.25, is based on the valuation of \$25 per ton.

The chief traffic officer, in the course of the correspondence, pointed out that certain low rates were given on low grade ore from the Hunter V spur to Nelson. These rates are as follows:—

30	cents	per ton	if value not over \$3.00	per ton.
40	“	“	“	4.00 “
50	“	“	“	5.00 “
60	“	“	“	6.00 “
75	“	“	“	8.00 “
1.00	“	“	“	10.00 “

These rates were put in on September 19, 1904, and were made applicable to Nelson and to Northport, Wash.

It is stated by the railway that this rate basis was put in in order to enable the Hunter V mine to ship lime-rock, carrying a small percentage of silver, to the smelter at Nelson, this ore being of use as a fluxing ore. It is said that by March of 1905 practically all of the tonnage from this mine had stopped. It is claimed, further, in



support of the rates given to this ore, that there was a compensating haul of the product back from the smelter over the Nelson and Fort Sheppard Railway. It is stated that the destruction of the smelter at Nelson has materially changed the situation; but that while there has been no movement of recent years from the Hunter V spur the rate is still carried in the tariffs, as it was assumed the Hunter V might start again.

In working out these rates on ore, the railway recognizes the difference in value as a basis of rates. As has been pointed out, the maximum value of the ore handled by the applicants is slightly under \$25. The railway states that the average value of the ore from the Iron Mountain Mine during March, 1913, was \$17 per ton, while the average value of the Hudson Bay mine ore was \$14. The applicant has furnished a copy of the preliminary statement, received under date of October 24, 1912, from the smelter at Trail. This shows on a gross weight of 58.15 tons of ore an average gross value of \$15 per ton.

The railway points out that the movement of ore from Salmo has been somewhat spasmodic, and it refers to the fact that the mine was located some distance from the railway. A statement is on file that there is a haul of about nine miles. It states, further, that the cost of mining and hauling is much in excess of the freight rate. It quotes a mining and hauling cost of \$5 per ton for the Iron Mountain, and \$4.50 in the case of the Hudson Bay; and it contends that the application is simply one to offset the natural disadvantages the applicants are under. In this connection it points to the board's decision in *Imperial Rice Milling Co. vs. C.P.R.* 14 Can. Ry. Cas. 375, as upholding the position that the board is not concerned with equalizing the cost of production. The board has many times said that it is not concerned with equalizing costs of production. It has many times affirmed that its jurisdiction in connection with applications is concerned with reasonableness of rates, not with the rate of profit which the applicant is making.

As has been seen, the rates vary with the value, there being different rate bases as the values vary. Between the \$1.25 and \$1.50 rate, there is a spread of \$10 per ton; between the \$1.50 and \$2 rate, there is a spread of \$15; while between the \$2 and \$3 rate, there is a spread of \$50.

There is already carried in the tariff of the railway C.R.C. No. 757, effective December 15, 1910, a rate of \$1 per ton on \$10 ore to Nelson from Hunter V spur Ymir, Tamarac, Hall, Summit, Mountain, Tramp Junction, and by notation on the tariff in connection with this rate it is stated that there is a 50-cent rate on valuation not exceeding \$5 per net ton; 60 cents on valuation not exceeding \$6 per net ton; 75 cents on a valuation not exceeding \$8 per net ton.

The railway in its supplement No. 7 to C.R.C. No. 757, effective November 15, 1911, recognizes between Wood and Meadows a valuation of \$15 as a basis for a rate. The railway also recognizes in other portions of its tariffs valuations of \$20. These, however, are in connection with movements from American to American points. They are set out in C.R.C. No. 757 already referred to. An examination of C.R.C. No. 757 will indicate that at different points the railway has pursued the policy of subdividing the spread falling under the \$25 value.

It appears then that the railway recognizes variations in value as a measure of the difference in rate. It further appears that in not recognizing differences in value on the Salmo ore under \$25, the rates are out of line with the practice made use of at other points by the railway.

It does not appear reasonable to bulk the ore from Salmo under the \$25 valuation when it is admittedly of much lower value. Certainly if the spread of \$10 between \$25

## SESSIONAL PAPER No. 20c

and \$35 ore justifies the difference in rate, there is still more justification for splitting up the rates under the \$25 valuation. I am of opinion that the following additional rates should be put into force on the movement from Salmo to Nelson:—

\$1.10	per	net	ton	when	valuation	does	not	exceed	\$15	per	ton.
1.15		"		"	"	"	"	"	20	"	

These additional rates should be made effective within thirty days.

Chief Commissioner Drayton concurred.

Order, in accordance with judgment, issued.

June 12, 1913.

RE NON-COMPLIANCE CANADIAN PACIFIC RAILWAY AND CANADIAN NORTHERN RAILWAY WITH ORDER 12520 IN THE REGINA RATES CASE.

Mr. Commissioner McLEAN:

The hearing, which took place in Ottawa on June 25, was concerned with answer of the railways to the contention that the terms of the order of the board in the Regina Rates Case had not been complied with.

In view of the reference to the time which has elapsed since the initial hearing in the Regina rates application, it may not be amiss to refer to the various steps taken.

The matter was heard in October and November, of 1909, in Regina and Winnipeg. Subsequent to the issuance of the judgment and of the order, application was made for leave to appeal to the Supreme Court. The matter was not finally adjudicated upon by the Supreme Court until December 6, 1911. The board by its order of December 19, 1911, gave direction that revised rates should be made effective April 1, 1912. There was a hearing in Ottawa on May 21, 1912, at which protests were launched by counsel for the Regina Board of Trade, who contended that the rates as installed by the railways were not in compliance with the direction given by the board. This session of the board having been held on short notice, to meet the convenience of a witness of the applicants who was in the east at the time, the railways were not in position to meet the complaint as launched. Following this there was a hearing in Ottawa on June 18, 1912.

At a meeting of the board in Regina on July 22, 1912, complaint was launched against the decision of the board as set out in a letter of the secretary, dated July 13, 1912, which stated that "the reductions made were in compliance with the board's order 12520, and the question of the difference in scale as between Alberta and Saskatchewan on the one hand, and Manitoba on the other, is distinct from the matter of discrimination which was dealt with in the hearing and forms an integral portion of the investigation into the Western rates and will be dealt with accordingly." The matter was brought up in Regina on short notice, and judging from the notes of evidence was given simply an outline consideration.

The matter was again referred to at a meeting of the board which was held in Regina on December 13, 1912, when it was stated by Mr. H. G. Smith, on behalf of the Regina Board of Trade, that the applicants had been given permission at the previous meeting of the board in Regina, to submit new evidence to show that the tariff as put into effect did not entirely remove the discrimination that had been complained about. Mr. Smith stated that he was not ready at that date to submit this evidence, and he stated that evidence would probably be in shape some time late in January, 1913, and he was assured that he would have an opportunity to submit it. The next communication in the matter was a telegram to the secretary of the board, dated Regina, May 15, 1913, reading as follows:—

"Re Regina freight rate case, file 12682, as per arrangements Regina Board of Trade, desires to produce evidence and conclude case at the session of commission here on 29th instant.

"L. T. McDONALD, *Commissioner.*"

5 GEORGE V., A. 1915

The arrangements referred to are those made at the hearing on December 13, 1912.

This additional evidence was submitted at the hearing in Regina on May 29, 1913, by the applicants in support of their contention that the board's order had not been complied with. The hearing in Ottawa on June 25, already referred to, completes the outline record of the hearings. It has seemed best to make a reference to the outline history of the hearings so that the reason for the time that has elapsed may be understood.

In order to ascertain what was directed by the board, reference may be made to the words of the judgment, as well as to the direction contained in the order. The order being issued as a mandatory statement of what should be done, must, it seems to me, be taken as a measure of the intention of the judgment. The judgment and the order are not to be explained by inference as to their intention. They must carry in their own wording the exact definition of what was intended should be done.

By reference to the judgment of the assistant chief commissioner, the following statements, bearing upon the determination of the matter, may be extracted:—

“The contention that Winnipeg being a wholesale or distributing centre, is entitled to rates on a lower basis than Regina, cannot, I think be adopted. It was established at the hearing that Regina was a recognized distributing centre. It is surely entitled within its own sphere, to the treatment that Winnipeg enjoys within its natural zone. If there be any artificiality it exists in the extension of the Winnipeg zone to the detriment of distributing points farther west.”

Then again it is stated by the assistant chief commissioner that he was of the opinion that—

“It has been proved that the special class freight tariffs of the Canadian Northern Railway Company and the Canadian Pacific Railway Company between Port Arthur and Fort William, and points west thereof, unjustly discriminate in favour of Winnipeg and other points in the province of Manitoba to the prejudice and disadvantage of Regina and Moosejaw and other points west of that province; and that the companies should be required to reduce their rates, so as to remove this discrimination by publishing and filing new tariffs.

The board's order No. 12520, of December 12, 1910, was stayed in its operation on account of the appeal to the Supreme Court; but while the subsequent order No. 15659, of December 19, 1911, provided that the effective date of the new freight tariffs, required to be filed under order 12520, was to be changed to April 1, 1912, reference must be made to order 12520 to ascertain exactly what was directed. The mandatory portion of order 12520 is as follows:—

“It is ordered that the Canadian Pacific and Canadian Northern Railway Companies publish and file new freight tariffs, to take effect not later than the 1st day of April, 1911, removing the discrimination at present existing in the tariffs, to points in the provinces of Manitoba, Saskatchewan, and Alberta, from Fort William, Port Arthur, and points east thereof, in favour of Winnipeg and other points in the province of Manitoba, and points west thereof, by reducing the rates from Fort William, Port Arthur and points east thereof, to Regina, Moosejaw, and other points west of the said favoured points.”

In view of the fact that the course of the hearings showed an inexact acquaintance with the different tariff bases concerned, it will not be amiss to define these exactly. Without going into the history of the arrangements whereby the readjustments have been arrived at, it may be pointed out that goods moving from Fort William and Port Arthur to points in Manitoba move on the Manitoba scale, which is 15 per cent less than the original uniform maximum mileage tariff between Lake Superior and the Mountains. In the case of shipments from Port Arthur and Fort William to points in Saskatchewan or Alberta, the Saskatchewan scale, which is 7½ per cent less than the parent tariff, applies. On shipments out of Manitoba distribu-



## SESSIONAL PAPER No. 20c

ting points to points in Manitoba, the Manitoba "town" tariff, which is 30 per cent below the parent tariff, applies. On shipments from distributing points in Manitoba, points in Saskatchewan and Alberta, and on shipments out of distributing points in the latter Provinces to points in Saskatchewan, Alberta, or Manitoba, the Saskatchewan "town" tariff, which is 22 per cent below the parent tariff, applies.

What the railways gave by way of reduced rates under the Order as compared with what Regina had asked, is set out in the following tabular summary.

	Classes.									
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Rates at the time of hearing . . . . .	1 76	1 47	.....	1 17	87	73	67	49	38	38
" given by the railways.....	1 54	1 29	.....	1 02	77	68	59	41	37	34
" asked for by applicant.....	1 50	1 25	.....	99	75	67	58	40	.....	34

In working out this revised basis the railways, to take the example of a particular rate, took the net fifth-class rate of 38 cents from Fort William to Winnipeg. They found that this was equivalent to 250 miles on the Saskatchewan scale. Then, to this 250 miles they added the 257 miles from Winnipeg to Regina; and the total rate was then worked out in the basis of 607 miles on the Saskatchewan scale. This distance of 607 miles is thus made up of a combination of assumed mileage and of actual mileage.

Counsel for the Canadian Northern, quoting from an explanatory statement of Mr. Lanigan of the Canadian Pacific, stated (evidence, vol. 154, p. 6476) that there had been figured out from the standard tariff the differences existing on that standard tariff per ton per mile as between the Winnipeg rate and the Regina rate. These differences had been reduced to percentages of the Winnipeg ton-mile rate, and from this there had been worked out as a test a statement of the percentage reduction justifiable. I am unable to see the pertinency of this test of measurement. It is obvious that the justifiability of applying this test to the rates before us depends on whether the spread under the standard tariff is a proper one or not. If the standard tariff does not properly taper its ton-mile rates according to distance it cannot well be a criterion of how the ton-mile rates should taper under the revised tariff. Further while the standard tariff has been approved such approval does not carry with it any statement of opinion that the spread thereunder in respect of its ton-mile rates is proper.

It is contended by the railways that under the revised tariffs they have given "to Regina a comparative rate as compared with Winnipeg for the longer distance, and a relative reduction per ton per mile for the longer distance."

It is manifestly clear that there is a dispute between the railways and the applicant in regard to the issue. The evidence itself shows that there is a lack of clarity in regard to the definition of the issue.

In the statements made at the different hearings in regard to the question at issue, there is a lack of exact definition; and it happens that matters brought in for the purpose of illustration are made to be an essential part of the question at issue.

Mr. Laird, in the original hearing (at vol. 96, p. 14,000), stated:—

"The crux of the whole complaint is that taking Fort William as a basing point for western rates, being the head of navigation, the carload rate from Fort William to Winnipeg, plus the carload rate from Winnipeg to a point west of Regina is less than the carload rate from Fort William to Regina, plus the carload rate from Regina to some common point beyond."

Mr. Cowan (counsel for the applicants, takes the same position (evidence, vol. 150, p. 4756) when he states:—

“ . . . the only point at issue . . . was the complaint that a jobber in Winnipeg could buy a carload of groceries or agricultural implements, or other commodities, and ship them to a point 50, 75, or 100 miles west of Regina, cheaper than a Regina jobber could buy the same commodities, ship them to Regina and then ship them 50, 75, or 100 miles west, notwithstanding that the car came over the same rails, it was the same commodity, and travelled every mile of the road in the same way as the Winnipeg jobbers' carload.”

Mr. Cowan (vol. 154, p. 6510), quoting from the appeal book, quotes Mr. Laird as referring to the fact that at common points beyond Regina the carload freight rate from the basing point at Fort William to Winnipeg, and from Winnipeg on to these points is less than the carload rate in and out of Regina.

Mr. Smith, in the course of his cross-examination by Mr. Aikins, stated (vol. 96, p. 14,033): “we are asking for the application of the Manitoba mileage scale, and the constructive mileage from Fort William to Winnipeg, plus our actual mileage from Winnipeg to Regina.” In connection with this statement of Mr. Smith there must be considered a statement of Mr. Laird, that what was wanted was the Manitoba scale applied on shipments in and out of Regina the same as it was in Manitoba (vol. 96, p. 14,031-2). It may be noted in passing that on shipments out from Manitoba distributing points to points in Alberta and Saskatchewan, it is the Saskatchewan “town” tariff scale which applies.

Mr. Smith, in the course of cross-examination by Mr. Phippen, was asked (vol. 96, p. 14,043): “And your application is that the through rate should be further reduced so that there may be some reasonable zone around Regina in regard to which you are protected?—A. Yes.” Mr. Cowan stated (vol. 150, p. 4,795) that there should either be a special reduction of the rate into Regina, or such combination of the rates out of Regina, as would put Regina upon a fair basis; that is to say, the question of the outgoing rate was brought in by him as a measure of what the reduction in the incoming rate should be. This is put still more explicitly by Mr. Cowan (*Ibid.* p. 4,797), when he stated: “I am not able to show discrimination between the rate between Fort William and Winnipeg, and Winnipeg to Regina, as against the incoming rate from Fort William to Regina, unless I show you what the effect is when we come to get out of Regina. I am putting it to show you that is where we get strangled.” However, on the same page, Mr. Cowan states as follows:—

“COMMISSIONER McLEAN: If Winnipeg and Regina are on the same basis outbound, then the discrimination must be on the inward rate.”

“MR. COWAN: I agree with you, but I only put the other in to show discrimination.”

Mr. Cowan, in summing up his position at the hearing, on June 18, 1912, stated (vol. 154, p. 6,513) that the discrimination spoken of by the judgment was a “discrimination in shipping carloads west of Regina, Moosejaw, and other distributing points in the provinces of Saskatchewan and Alberta. This was the only issue I submitted before the board.”

In the same hearing (at p. 6,439) the following discussion took place:—

“COMMISSIONER MILLS: “I thought (as it appeared to me) the contention was that the sum total of the rates from Fort William to any point in Western Saskatchewan via Winnipeg, should not be less than the sum total via Regina.”

“MR. COWAN: That was the whole point in the case; the whole argument was based on that.”

The same position is taken by Mr. Cowan at p. 6,506. It is not necessary to pursue this phase of the question further, as it is abundantly shown by the evidence that

## SESSIONAL PAPER No. 20c

Mr. Cowan states and re-states that the complaint was that freight could be taken from Fort William into Winnipeg and from Winnipeg shipped to points west of distributing centres in Saskatchewan and Alberta at lower rates than the same goods could be shipped direct from Fort William to the redistributing centres in Saskatchewan and Alberta, and from there shipped to the same points west of distributing centres in Saskatchewan and Alberta.

It is true that Mr. Cowan states (vol. 154, p. 6,507):—

“The whole complaint, and I am reading this to show that this is the whole complaint, was discrimination in shipping out in carload lots coming via Fort William and out of Winnipeg to Swift Current as against out of Fort William to Regina and from Regina to Swift Current.”

The quotation made by Mr. Cowan on the same page from the statement of Mr. Laird is material as defining the issue:—

“Counsel for the railway company have raised the question of outgoing rates from Regina, but we are not raising that question at all. It is only the question of incoming rates that we wish to refer to, the incoming rate from the base point of Fort William.”

Notwithstanding what has been said in the course of the hearing regarding the rates out from Regina, it was agreed in the course of the original hearing, as well as of the subsequent hearings, that the rate out from Regina, that is to say, the distributing rate, was not the question at issue. For example, Mr. Laird (vol. 96, p. 14,005) said that he was not considering the rate out, and Mr. Smith, at page 14,113 of the same volume, said he was not objecting to the rate out. Mr. Cowan stated (vol. 150, p. 4,763): “I am not objecting to the outward rate, but I am showing the effect of this too.”

The extracts from the record already given show how the reference to the outgoing rates was at times treated as if it were part of the complaint; but in view of what has been so explicitly stated, it is abundantly evident that the discussion was concerned with the inward rate.

In the course of the original hearing use was made of the term, “constructive mileage”, in connection with the rate paid on the movement from Fort William to Winnipeg. The apparent reason for using this term in this connection was that the rate as charged between Fort William and Winnipeg was not the rate appropriate to a distance of 419 miles on the Manitoba scale, but the rate applicable to a distance of 290 miles under that scale.

A great deal has been made of the term, “constructive mileage,” and a considerable portion of the hearing was taken up with the question as to whether the term “constructive mileage,” or the term “assumed mileage” was the proper term to use. It is not material which is used in this connection. The question of “assumed mileage” is again brought up with the determination of the revised Regina rates. The process by which this revision has been worked out has already been referred to.

The distance of 250 miles, which, for example, the rate of 38 cents would carry a fifth-class commodity on the Saskatchewan scale, is significant only in regard to the basis on which the reduction was worked out. I am unable to see anything sinister in the use of this method of arriving at the rate basis. So far as the haul from Fort William to Winnipeg is common to the movement on the one hand to Winnipeg and the other hand to Regina, the same rate is common. And then the 250 miles is used as part of the basis on which the total rate to points beyond is worked out.

In the course of the original hearing Mr. Laird (vol. 96, p. 14,003), stated that the Manitoba scale applied on shipments from Fort William to Winnipeg plus Winnipeg to points beyond, and that the Saskatchewan scale applied on shipments from Fort William to Regina and the Manitoba scale beyond. See similar statement in



evidence by Mr. Laird, p. 14,102, and by Mr. Smith, p. 14,026. It was further stated that if the Manitoba scale applied from Fort William to Winnipeg and from Winnipeg west, the same treatment should be given to Regina, Moosejaw, and points west. The same position was reiterated by Mr. Laird in his argument when he stated that the Manitoba scale applied to carloads in and out of Winnipeg and should therefore, apply to Regina in and out. He stated that since the Manitoba scale was effective out of Regina a similar condition should apply in.

Mr. Smith, in the course of the hearing on May 29, 1913 (Vol. 178, p. 3,740), stated that the discrimination that exists and works against Regina would not exist if the Saskatchewan mileage scale was applied in all cases in Western Canada.

In correction of what was stated at the original hearing, it is to be noted that the Manitoba scale applied on the movement in to Winnipeg, while on the movement out to points in Saskatchewan, either from Winnipeg or from Regina, the Saskatchewan "town" tariff scale applied.

It is true that Mr. Cowan (vol. 150, p. 4,763) said that he was objecting to the inward rate that is to Regina as compared with the outward rate out of Winnipeg west; but the question of the justifiability of the Saskatchewan "town" tariff basis being used as a measure of the inward rate to Regina was not raised in the course of the original hearing.

The criticism of the rates as put in that while there has been a reduction from Fort William to Regina, there has not been a sufficient reduction. For example, Mr. Smith stated, in substance (vol. 150, p. 4778, and p. 4779), that the railways ask more revenue to haul merchandise in classes one to ten for the last 357 miles into Regina, when a shipment originates at Fort William, than they ask according to their tariffs on the same haul and the same service when the shipment moves from Winnipeg, Saskatoon, or Calgary, to a point 777 miles distant.

In attacking the revised basis of inward rates as not affording sufficiently low rates, two methods are made use of. The first is the consideration of ton-mile rates; the second is the comparison of balances.

In the course of the original hearing, Mr. Smith stated (vol. 94, pp. 12,622 to 12,626) that under the existing arrangements, Regina did not get sufficient advantage from its distance, since, with the increase in the length of haul the ton-mile rate should be on a lower basis. Mr. Smith's contention after these revised rates had been produced, was that sufficient reduction per ton-mile had not been made on the long haul. In effect, his argument, as stated in volume 182, pp. 5,739-5,740, was that Regina should get the advantage of the Winnipeg rate already referred to, but that in addition the ton-mile rate should taper on the basis of the actual mileage throughout. In determining the rate there is given, up to Winnipeg, the advantage of the assumed mileage, which is the equivalent of the Winnipeg rate. Then while the advantage of this is given on a rate basis made up of assumed mileage to Winnipeg plus actual mileage beyond, it is urged that credit should be given for the actual mileage from Fort William to Regina. The idea is that if the actual mileage is applied the ton-mile rate for the total distance will so taper as to give a reduction on the balance of the rate beyond Winnipeg, thereby reducing the total rate. Now the rate up to Winnipeg has been brought about by conditions independent of mileage. The contention that in addition to a rate not based on actual mileage, so far as the common portion of the movement is concerned, there should at the same time be counted in for the same portion the actual mileage has not been justified.

In connection with the question of the reasonableness of ton-mile rate tests of the rate, it has to be recognized that while in general it has been held that while the aggregate rate increases with the distance the rate per ton-mile should decrease, the rule is one which is subject to qualifications and exceptions.—*Hilton Lumber Co. v. Wilmington & W.R.R. Co.*, et al, 9 I.C.C.R., 17 & 31; *the Manufacturers & Jobbers Union of Mankato v. Minneapolis & St. L.R. Co.*, et al, 2 I. C.C.R., p. 115.

## SESSIONAL PAPER No. 20c

If a water-compelled rate existed and a through rate to a point beyond was made up of the addition to this compelled rate of a normal rate, for an additional distance, it would not follow that the ton-mile rate of the water-compelled portion of the rate would be a proper measure of what the ton-mile rate should be for the total distance covered by the through rate so made up; and, consequently it would not follow that the normal tapering of the ton-mile rate with an increase of the distance would in this hypothetical case obey the general rule. In the case of the rate from Fort William to Winnipeg, the conditions which have brought this rate into existence have already been indicated. It is in effect a commodity rate created by special circumstances. While I hold with the judgment that the benefit of this rate on a common movement into Winnipeg should be common, I am unable to follow the argument that the ton-mile rate for this portion of the journey is a conclusive measure of how the ton-mile rate should taper on the through movement to Regina.

In the hearing at Regina in May, 1913, the contention that the revised initial rate to Regina was not sufficiently low and that it was still discriminatory was reinforced by reference to through rate comparisons. These rate comparisons depend upon a comparison of balances of rates. A chart submitted at the hearing works out a series of comparisons for approximately the Regina distance. In the case of a movement from Fort William to Winnipeg, a distance of 419 miles, and then on to Regina a total distance of 777 miles, to quote one class, the per ton-mile rate of fifth-class traffic to Winnipeg is 1.813 cents, while in the case of a movement in Regina it is 1.7503 cents. Taking next the distance from Winnipeg to Muenster by the C.N.R., 420 miles, and from Muenster to Chipman, which makes a total distance of 782 miles, the fifth-class rates work out per ton-mile as follows: 2.095 cents and 1.739 cents. In the case of a shipment from Calgary to Mortlach by the C.P.R. a distance of 412 miles, and from Mortlach to Portage la Prairie, a total distance of 780 miles, the ton-mile rates, fifth-class, are as follows: 2.135 and 1.743.

The method thus pursued is to take on approximately the same mileages the distance from Fort William to Winnipeg, and then by deducting this from the mileage equivalent to the Fort William-Regina movement to ascertain what rate is made use of on the balance. This method of comparison is unsatisfactory. A comparison of balances assumes that the rate is computed on an exact mileage basis, otherwise the comparison of mileage distances is not of value.

Then, again, in the comparisons made in the chart, it must be noted that the Fort William-Regina movement is on the Saskatchewan scale, modified by the adoption of the Fort William-Winnipeg rate, as to this portion of the haul, while in the case of a movement from Winnipeg to Chipman, or from Calgary to Portage la Prairie, the rate is on the Saskatchewan "town" tariff scale. As has already been indicated in the statements as to how these two tariffs are worked out, different rate bases are here being considered.

The argument from the ton-mile rates is that on the balance of 357 miles from Winnipeg to Regina, the ton-mile rate of Regina is not sufficiently low. This is also, approached from the standpoint of the balance of the actual rate. For the 357 miles from Winnipeg to Regina, the balance on the fifth-class is 30 cents. For the 362 miles from Muenster to Chipman, the balance is 24 cents. For the 368 miles from Mortlach to Portage la Prairie the balance is 24 cents.

But this statement is not a final presentation of the case. It has already been seen that the fifth-class rate from Fort William to Winnipeg is 38 cents for the mileage distance of 419 miles. In the case of the Winnipeg-Muenster movement, the rate is 6 cents higher, viz., 44 cents for 420 miles, while for the 412 miles from Calgary to Mortlach the rate is also 6 cents higher. It is simply a question of dividing the rate up into two portions, and, if, as in the case of the comparisons on the Saskatchewan "town" tariff, the initial 420 miles, in round numbers, is higher, the balance must be less; and along with this will follow as a necessary corollary that the

5 GEORGE V., A. 1915

ton-mile rate will be less. As has been indicated, the 38-cent rate from Fort William to Winnipeg has been built up in a special way, and as is apparent it is lower than the rate for the same distance on the mileage basis on the Saskatchewan "town" tariff. Regina gets the advantage of this lower rate on the through movement, and it is therefore not fair to use the rate of which it gets the advantage as indicating that the balance of the through rate is unfair as compared with balances under the Saskatchewan "town" tariff.

The extracts from the judgment of the board and from the order setting forth the direction of the board were concerned with the question of the inward rate. While the issue has been confused by the introduction of references to the outward rate, this was no part of the complaint. The complaint as to discrimination on the inward movement was of necessity concerned with the discrimination as to the portions of the movement which were common to the journey to Winnipeg and the journey to Regina. It is admitted that there was no complaint on the movement from Regina out. Since the Saskatchewan "town" tariff was not complained of, and since it was common to both movements from Winnipeg out and from Regina out as defined, it cannot be taken as a measure of what the inward rate to Regina should be. Certainly this was not the application before the board. It is true that there does not exist the situation that there are two sets of scales, the Manitoba and the Saskatchewan, and that these affect the "town" tariffs which are worked out thereunder; but what was concerned in the present application, as I read the order, was the removal of the discrimination in regard to the portion of the haul which was common on the Winnipeg movement. The further question as to whether there is any justification for the higher scale in the provinces of Alberta and Saskatchewan as compared with the scale existing in Manitoba depends on whether conditions in the former provinces in respect of traffic and other material factors differentiate these provinces from Manitoba. Where different divisions have different scales it is an established rate practice that in the interdivisional movement—both from the higher scale territory to the lower and from the lower to the higher—the higher scale applies. Consequently, if the Saskatchewan scale were wiped out as to the movement into Saskatchewan, while the Saskatchewan scale remained in Saskatchewan, an anomaly would present itself of the lower scale applying westbound while the higher scale applied eastbound.

The criticism of the revised rates both from the standpoint of ton mileage comparisons and from the standpoint of balances, has, in my opinion, not shown that the rates as put in are not in compliance with the order.

After careful consideration of the evidence, I am of opinion that the position should be reaffirmed that the determination as to the question of the difference between the Manitoba and Saskatchewan scales which is a factor in connection with the Saskatchewan "town" tariff which, however was not a part of the application with which the order dealt, should be dealt with as a necessary part of the investigation of western rates.

Assistant Chief Commissioner Scott concurred.

July 17, 1913.

Chief Commissioner DRAYTON:

The complaint of the Regina Board of Trade is that the order of the board of December 19, 1911, has never been carried into effect, and that the decision of the board interpreting it, made in July, 1912, is in error and does not give proper effect either to the original order or the considered reasons of the assistant chief commissioner on which it is based. The board's ruling of July 6, 1912, was made after full argument as to the effect of the former order. The original order, as well as the ruling as to what it meant, was made before I had any connection with the board.

At the recent hearing in Regina, before Commissioner Goodeve and myself, I expressed the view that it would be improper for me to pass on the question as to what was intended by the former orders, and that the members of the board who sat in the



## SESSIONAL PAPER No. 20c

former hearing were best qualified to pass on what their direction covered; and I therefore, refused to reverse their considered finding of July, 1912. Leave, however, was reserved to the Regina Board of Trade to make such representations as it might desire, on a fresh complaint based on unfair treatment, or rates that Regina might still be subject to. Regina has not acted on this suggestion; but at the hearing in Ottawa last month, it still insisted that the whole question was covered by existing judgments of the board, and that the board's direction of July, 1912, was in error. The whole question, therefore, still depends on what was covered by the board's former orders. Commissioner McLean, after reviewing carefully and at length the whole situation, is of opinion that the board's orders means what the board declared it to mean in July, 1912. His judgment is concurred in by the assistant chief commissioner who wrote the original judgment in which Commissioner McLean in turn concurred.

Under these circumstances, it would be improper for me to interfere one way or the other. No one can be more fitted to pass upon the matter than Mr. Scott and Mr. McLean, who have been connected with the case since its inception.

In any event, the Regina rates with those of all other distributing centres of the West, will, in the near future, be dealt with apart from all questions as to the effect of previous proceedings.

July 30, 1913.

Mr. Commissioner GOODEVE:

I am in a similar position to the Chief Commissioner, not having been a member of the board at the commencement of this case nor a party to the original judgment, but I concur in the opinion he has expressed.

Mr. Commissioner MILLS:

I concur in the decision announced by the Chief Commissioner.

July 31, 1913.

RE RATES ON MILLFEEDS FROM LETHBRIDGE, ALTA., TO SWEET GRASS, MONTANA, U.S.A.,  
OVER C. P. R. AND G. T. R.

Mr. Commissioner McLEAN:

Under date of March 15, 1913, the board received a complaint that the Canadian Pacific Railway had cancelled the rate on mill feeds hitherto existing from Lethbridge to Keremeos via Sweet Grass, Montana, and the Great Northern beyond. The rate which had existed was 42 cents per 100 pounds. Complaint was made that in place of this rate of 42 cents a rate of 65 cents was being put in by the Canadian Pacific.

The matter has been conducted entirely by correspondence and written submissions. The 42-cent rate was contained in the Great Northern Railway's tariff, C.R.C. No. 679, and from its wording it applied in both directions. The Great Northern tariff covered movements from points on its line to points on the Alberta Railway and Irrigation Company, and the latter by affixing their number, C.R.C., 165, also by filing with the board, lawfully applied it in the reverse direction. The situation appears to be that the Great Northern superseded the tariff filed by it by filing a new tariff C.R.C. 865, but the Alberta Railway and Irrigation Company by not affixing its number to the tariff and filing it as its issue permitted the rates previously in force to apply from points on its railway.

The rate which the Canadian Pacific, of which the Alberta Railway and Irrigation Company now forms a part, desires to put in force, is made up of a combination of local rates. The Canadian Pacific Railway Company in its reply states that the tariff from Lethbridge to Coutts is exactly the same as it was when the 42-cent rate was in effect, viz., 11 cents, but this does not meet the question as to the 42-cent rate being

5 GEORGE V., A. 1915

in effect from points on the Alberta Railway and Irrigation Company. Under date of July 11 the Canadian Pacific Railway Company filed Supplement No. 16, to A.R. & I. Co., C.R.C., No. 165, cancelling the 42-cent rate westbound, such cancellation to be effective August 18.

It does not follow that the tariff in question is to be automatically taken out by filing of a cancellation notice. Section 338 of the Railway Act provides that the joint tariff is to be effective until such tariff is superseded or disallowed by the board. The wording of the section makes clear that the board is not a mere automatic recorder of supersession, but that it has the right to exercise discretion based upon its judgment of the facts. The situation is that the new combination of locals not only advances rates considerably to exclusive points of the Great Northern in British Columbia, but also increases some of the commodity rates on sugar from Raymond to the Canadian Pacific's own points. It is also to be remembered that the distances are much shorter via Lethbridge than via Coutts. The following summary is pertinent in this connection:—

Grain and Grain Products.				To Salmo via C.P., to Nelson to destination.	To Keremeos C.P., to Nelson and G.N. to destination.	To Salmo A. Ry. to Coutts and G. N. to destination.	To Keremeos A. Ry. to Coutts & G.N. to destination.				
From—	To	C. P.	Miles.	Miles.	Miles.	Miles.	Miles.				
Lethbridge.....	Nelson....	27 cts.	334	42 cts.	368	65 cts.	596	27 cts.	665	42 cts.	765
Raymond.....	"	30 "	360	45 "	394	68 "	622	33 "	653	48 "	753
Magrath.....	"	31 "	371	46 "	405	69 "	633	34 "	664	49 "	764
Spring Coulee..	"	32 "	383	47 "	417	70 "	645	34 "	676	49 "	776
Cardston.....	"	33 "	400	48 "	434	71 "	662	34 "	693	49 "	793
Nelson to Salmo	G. N.....	15 "	34								
Nelson to Kere- meos.....	"	38 "	262								

Sugar.		Via Lethbridge & C.P.R.	Via Coutts and C.N.R.		
Raymond Alta.—		Miles.	Miles.		
To Ainsworth.....		67 cts.	351	64 cts.	709
Kaslo.....		70 "	362	66 "	722
Elko.....		32 "	182	32 "	345
Fernie.....		32 "	164	32 "	365
Hosmer.....		32 "	156	34 "	372
Phoenix.....		97 "	479	79 "	655
Nelson.....		60 "	860	60 "	687
Rossland.....		60 "	415	60 "	635
Grand Forks.....		85 "	455	76 "	631

Tariff References: C.P.R. W. 1600. G.N. 844. A. Ry. and I., 165.

I am, therefore, of the opinion that it should be declared that the joint tariff of the Alberta Railway and Irrigation Company C.R.C. No. 165, is lawfully in effect and that Supplement No. 16 thereto be disallowed; also that the board will be prepared to consider an application for the annulment of the said C.R.C. 165 on the publication and filing by the Canadian Pacific Railway Company of local and joint tariffs of rates from and via Lethbridge, which shall not be greater than those shown in the said C.R.C. 165, via Coutts, to points in British Columbia to which the rates of the said C.R.C. 165 are now lower than via C.P.R. from Lethbridge, having regard to the provisions of the Railway Act.

Chief Commissioner Drayton concurred.

July 24, 1913.

## SESSIONAL PAPER No. 20c

## RE MILLING-IN-TRANSIT RATES—ST. THOMAS, ONT.

Mr. Commissioner McLEAN:

Complaint is made of the abrogation of certain milling-in-transit rate arrangements which existed at St. Thomas for a limited period. By the Michigan Central tariff C.R.C. 1532, effective February 1, 1910, millers on the line of this railway, both in the United States and in Canada, were given milling-in-transit privileges on all-rail American corn over all routes to Canadian points east of Toronto and to the Eastern States. The Canadian Pacific, the Grand Trunk, and the Intercolonial were shown as parties to this tariff. Under this tariff, shipments of corn and corn products from Chicago to West St. John for furtherance to outports took New York domestic rates. Reference is also made to M.C.R. tariff C.R.C. 1533, effective February 1, 1910, by which milling-in-transit was permitted to all M.C.R. stations intermediate from original points of shipment to final points of destination. This, applicants contend, gave them a rate of 16.7 cents per 100 pounds, which with one-half cent for stop-off at St. Thomas made up a total rate of 17.2 cents.

The Intercolonial would not protect its division of this rate.

By M.C.R. tariff C.R.C. 1727, effective January 3, 1911, it was set out that the milling-in-transit privileges were not permissible on shipments milled in Canada destined to points on or via the Canadian Pacific, Grand Trunk, and their connections. This did not affect the other portion of the tariff in regard to United States mills and also in regard to milling at St. Thomas in connection with the Michigan Central's routes via the Niagara frontier. A miller at St. Thomas is, therefore, still in a position to reach the New Brunswick and Nova Scotia seaboard through the United States via Boston under milling-in-transit arrangements, the rates being the same to St. John, N.B., for the same destinations.

It is admitted that the limitation in respect of the movement to Canadian points was introduced because the other Canadian railways interested feared the effect of the extension of the milling-in-transit privilege in connection with furtherance from Maritime Province points to outports. It has been noted that the Intercolonial had taken the position of protecting its own millers and, incidentally, its own revenues, and had, therefore, refused to participate in the rate.

It is contended that the existing condition is discriminatory in respect of the mill located at St. Thomas, and that direction should be given for the restoration of the privilege in its entirety, as it for a short time existed.

The question of discrimination must be looked at from two standpoints:—

- (a) The treatment given to corn milled in Canadian mills.
- (b) The treatment given to corn milled at United States mills.

Dealing first with the question of the treatment given to corn milled at Canadian mills, it appears that the Canadian Pacific and the Grand Trunk are not granting to corn milled at Canadian points a transit arrangement on movements to West St. John for furtherance to outports. That is to say, mills on their own lines are, in this respect, given the same treatment as they contend should be given to the product coming to them from a connecting line and milled at a station in Canada located on that line. The Canadian Pacific and the Grand Trunk have tariffs under which milling-in-transit is granted for export. But this is a situation distinct from the present application. The Canadian Pacific also grants at Peterborough a milling-in-transit rate which is limited to local points in New England other than to points on the Boston and Main and on the Main Central. Formerly the tariff covering this movement did include points in Quebec on the lines of these two railways. Now, these have been cut out. Local rates east of Peterborough, therefore, govern. There also exist transit rates on corn meal from designated points to designated points in



5 GEORGE V., A. 1915

Canada. The tariffs covering these, however, are distance tariffs covering only up to 300 miles. It is obvious that the movement under these tariffs is in no way comparable with the situation of which complaint is made.

There remains the question as to the treatment given corn milled in transit at United States points. M.C.R. tariff C.R.C. No. 1851, effective March 25, 1912, quotes from Chicago to West St. John for furtherance to outports the New York domestic rate of 16.7 cents. To this is to be added the one-half cent for stop-off at Detroit. To this tariff the C.P.R., the G.T.R., and the Intercolonial are parties. There is some dispute as to the actual movement from Chicago to West St. John over Canadian railways on this rate. But be this as it may, there is this rate arrangement quoted, while St. Thomas has a higher rate on the Canadian route. It is contended that it is discriminatory to grant a treatment to the United States miller which is not granted to the Canadian miller located on the Canadian route over which this commodity moves.

It is obvious that in respect to transit privileges on corn milled in the United States, the Canadian roads must, if they are to participate in the business at all, meet the rates of the American lines to common destinations. In the matter of the transit arrangements in connection with the corn meal for furtherance, the corn meal may move by schooner to the outports, either from West St. John or from Boston.

The rates made by the route to Boston, and which the Canadian lines have to meet to participate in the business, are exceedingly low. This is set out in the following tabular summaries:

M.C.R. and C.P.R. Chicago-West St. John, out of the rate of 17.2, less one-half cent for stop-off, the M.C.R. receives 20 per cent, the C.P.R. 70 per cent.

	Miles	Rate	Ton-mile rate.
		cents.	cents.
M.C.R.-Chicago-St. Thomas . . . . .	396	5.01	.253
C.P.R.-St. Thomas-West St. John . . . . .	927	11.69	.252
M.C.R. division, including stop-off . . . . .			.278
For the distance of 1323 miles . . . . .			.260

M.C.R., G.T.R. and Intercolonial, Chicago-West St. John:

M.C.R.-Chicago-Hagersville . . . . .	457	4.17	.182
G.T.R.-Hagersville-Montreal . . . . .	397	3.69	.186
I.C.R.-Montreal-West St. John . . . . .	735	8.84	.240
M.C.R. Division, including stop-off . . . . .			.204
For the distance of 1589 miles . . . . .			.216

As has been pointed out, there is available to the applicants a movement under milling in transit in connection with their Maritime Province seaboard business by way of the Niagara frontier and Boston. On this movement, the rates from Chicago are the same as the rates to St. John for the same destinations. When this was pointed out to the applicants they rejoined that "the fact that we may or may not have rates by some other route does not in the least justify our Canadian roads in such gross discrimination."

The rates as set out are so exceedingly low that the board would not be justified in directing their installation unless there was an affirmative showing that there was actual detriment flowing from the existing rate adjustment.

Discrimination is not a matter of rates in the abstract. It is true that on account of the existing rate adjustment the route by way of the Canadian lines is not open to the applicant. But it is not denied that there is available by way of the Niagara frontier the rates and privileges which are asked for over the Canadian route. It is

## SESSIONAL PAPER No. 20c

not shown that there is any disadvantage arising from the use of this route. If and when disadvantage is affirmatively shown, it will be sufficient time to consider what form intervention by the board should take.

July 31, 1913.

Chief Commissioner DRAYTON:

The rates asked for are exceedingly low. I agree in dismissing the application.

## RE PILON VS. GRAND TRUNK RAILWAY.

Chief Commissioner DRAYTON:

An application of Alex. Pilon, of Casselman, Ont., for an order rescinding the order of the board No. 5390, dated August 13, 1908, declaring a charge of \$3 per car to be made by the Grand Trunk Railway Company, over and above the company's station rate on brick, to be a reasonable charge for the additional service of switching and handling the traffic from the siding of the applicant Pilon, about 2½ miles west of Casselman station.

The present application is based on the order of the board No. 8631, dated November 10, 1909, declaring that the Grand Trunk Railway Company was not entitled to make any extra charge, over and above the station to station rate, for switching traffic from Christie, Henderson & Company's quarries situated about 2½ miles from Hespeler, Ont.

The original Pilon complaint, heard at Ottawa, June 23, 1908, was treated by the board as one unaffected by other than normal conditions, the practice of the railway company elsewhere not being clearly in evidence. At the hearing of the Hespeler case at Toronto, on the 16th of October, 1909, evidence was given that at a large number of places in Ontario the company, under more or less similar circumstances and conditions, made no extra charge for the service of switching from sidings located between stations, and although given an opportunity of doing so, the company failed to rebut this evidence. In the course of the hearing the late chief commissioner remarked: "There seems to be a good deal in this case that I did not hear about in the Pilon case. How can you make one man pay, and not charge another man?"; and, again, "It seems to me that this thing must turn upon your established practice." Had similar evidence been adduced in the Pilon case, I have no doubt that the judgment would have been a different one.

Pilon's siding is situated between Casselman and South Indian stations. South Indian does not appear to be a brick-shipping point, but it has been shown that Casselman is; and as, on that account, Casselman has been given certain special rates, it would clearly be unjustly discriminatory to apply the higher mileage schedule to the traffic of the applicant, who is but 2½ miles from Casselman and is in competition with the Casselman manufacturers; and in view of the evidence in the Hespeler case, I am unable to find that the additional switching charge complained against should be continued.

Nothing has been said at the hearing of the present application at Ottawa on the 18th February last which would seem to show the existence of exceptional conditions at Casselman, or to warrant a different practice than has not been disputed to exist at other points on the company's lines, I am of the opinion that an order should go granting the application.

Commissioners Mills, McLean and Goodeve concurred.

Order rescinding order of the board No. 5390, issued.

July 31, 1913.

20c—19

5 GEORGE V., A. 1915

## RE WESTERN FREIGHT RATES CASE.

Chief Commissioner DRAYTON:

Prior to the last adjournment of this case, which was made on the 25th of June, 1913, the board directed that the exhibits embodying Mr. Mueller's evidence, and which he was then preparing, should be filed in six weeks time, and that written statements embodying the position which different parties to the issue desired to take both on these exhibits and on all other matters arising in the investigation, should be served and filed within three weeks after Mr. Mueller's exhibits had been filed and served.

Mr. Whitla, who appeared on that occasion, stated that it was doubtful whether the exhibits could be finished by that time, and that he had not yet been able to obtain all information from the companies which Mr. Mueller desired. This information the companies were directed to supply, and expressed themselves as willing to furnish, stating that it would be available, probably, within twenty days. Mr. Whitla's idea was that the exhibits would be completed by the first of September.

Bearing these dates in mind, and no further complaint having been received by the board as to the lack of production on the part of any parties to the issue, the board, on the 9th inst., fixed Monday, the 29th inst., for the resumption and completion of the inquiry. After fixing this date, the board for the first time was advised that its direction had not been carried out.

On the 13th inst., a letter was received from Mr. Pitblado, who appeared for the Winnipeg Board of Trade, calling the board's attention to the fact that, at the hearing which was held in June, it was agreed that all parties should have three weeks, after the furnishing of certain further material which was then being prepared by Mr. Mueller, within which to file with the board their positions in regard to certain points outlined by the board; that the further material from Mr. Mueller had not yet come to hand; that part of it was not ready; and that he (Mr. Pitblado) was, therefore, unable to file with the board a statement of the position of his clients in regard to the points raised; and, further, that the investigation in his view would not be materially advanced without Mr. Mueller's exhibits being before him (Mr. Pitblado), in sufficient time to properly look into the same before a further hearing.

A similar letter was received from Mr. Phippen, Counsel for the Canadian Northern Railway Company, stating that he was as yet without a copy of Exhibit 6, the preparation of which he understood had not yet been completed, and that until the copy had been received in accordance with the direction of the board and an opportunity given the company's officials of considering it, it would be impossible to proceed with his presentation of the case.

I find that the position was brought by the board to the attention of the Government counsel, and that a letter was received by the board from Mr. Whitla, on September 20, as follows:—

WINNIPEG, September 17, 1913.

File 18755.

*Western Rates Case.*

"DEAR SIR,—I am in receipt of your favour of the 12th instant enclosing copy of letter from F. H. Phippen, K.C., dated 10th September.

"For the information of the board, I desire to state that the remainder of the Government's case in chief will consist of a further series of three exhibits, Nos. 4, 5, and 6, which are voluminous and have occupied nearly the whole time since the last sittings of the board on this case in their preparation. Series 4 is now in the printer's hands and will be completed this week, and draft copies have been furnished to counsel for the railway company. Series 5 is also in the printer's hands and will be completed this week, and draft copies have been furnished to counsel for the railway company. In regard to series 6, which is a



## SESSIONAL PAPER No. 20c

most important exhibit and will comprise compilations of figures, deductions, and argumentative matter, I beg to state that it is altogether unlikely that this will be completed until practically the date of the hearing, and, therefore it will be impossible, owing to the fact that the commission has fixed the date for the 29th instant without inquiry as to the state of preparation of the Government's case, to furnish copies of this last exhibit to counsel as requested.

"I desire to emphasize the fact that Government counsel and their experts have made every endeavour possible to have their case completed without any loss of time but the work involved has been so voluminous and exhaustive that the time allowed has not been sufficient for the purpose. If it is found possible, however, to complete series 6 at an earlier date, every effort will be made to accomplish this, and draft copies will be furnished to counsel as soon as it is possible for us to do so. It appears to me, however, that the first five series of exhibits will contain the bulk of the case for the Government, and it is not likely that the railway companies will be embarrassed in the slightest degree by not having received copies of the final exhibit."

The board is also advised that Mr. MacDonald, who has acted in this case throughout in the interests of British Columbia, a province very vitally interested in the issue, has withdrawn from the case; and that it is necessary that an adjournment should be made to allow other counsel to be instructed.

Under these circumstances, no useful purpose can be served by attempting to proceed on the 29th of September.

To hold another sitting without the final exhibits being in the hands of all counsel simply means further enlargements and preparation of further statistics and comparisons. The request of British Columbia for a short adjournment should, in any event, be granted. To proceed on the 29th instant would simply mean denying that province representation at the most important stage of the whole inquiry.

Under these circumstances, the board, with reluctance, cancels the appointment of the 29th instant. The date for the resumption and completion of the inquiry will be fixed by the board after the expiration of ten days. This will give the parties sufficient time to write the board their views as to when the matter can proceed.

The parties will, however, bear in mind that the inquiry must terminate at the earliest possible moment.

During the whole past year other appointments of the board have been subordinated entirely to the hearings of this case, not only so far as the time actually given to it is concerned, but also in reserving for the parties considerable time in the hope that the case could be expedited.

We all realize that the matter is one of great magnitude, and that delays are inseparable in the presentation of such a case. Counsel, however, might just as well understand that no more adjournments will be granted for the purpose of further evidence, and that the date, when fixed, after the parties have had the opportunity which is now given to express their views, must and will be final.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean, and Goodeve concurred.

## RE CARTAGE ARRANGEMENTS IN EASTERN CANADA.

Mr. Commissioner McLEAN:

Mr. Ransom, Chairman of the Advisory Committee of the Canadian Freight Association, gave notice that on or about July 1, the railways would issue cancellation notices of their cartage tariffs, these cancellations to become effective October 1, 1913. Following this, representations were received from different trade bodies. The Toronto Board of Trade represented that the custom of collection and delivery of freight by

5 GEORGE V., A. 1915

the railways was of long standing, and that its discontinuance would necessitate a radical change in the method of handling. It also stated that a change in the methods of cartage would, unless the railways adopted an improved plan of handling, lead to congestion in terminals. The date proposed, namely, October 1, for the abolition of the service, was objected to on the ground that it was a cancellation in one of the busiest periods of the year; and it was asked that the board should suspend the cancellation circulars until such time as the railways "satisfied the commission that adequate facilities and accommodation" would be provided by the railways adapted to the change of conditions. The representations made by the London Board of Trade were in substance the same. The Hamilton Board of Trade sent in a communication which included a resolution setting out that the date of October 1 was inopportune for such a change, and further setting out—

"The members of this board would therefore urge the continuance of this cartage service as at present in force particularly while the fall trade is on at which time the volume of business is exceedingly heavy, and also to give time for a comprehensive study of transportation conditions at the terminals involved."

The other positions developed were similar to those contained in the letters already referred to.

It seemed to the board that the date chosen for the cancellation of the tariffs was inopportune, since it would necessitate rearrangements in the midst of an exceedingly busy shipping season. The results of such an arrangement at such a time would of necessity cause a great deal of friction and delay. The board therefore took the matter up with the railways with a view to arranging that if the railways were determined to discontinue their cartage service, the change should not be made until after navigation had been closed and the Christmas rush was over.

As a result of the negotiations which took place between the railways and the cartage companies, the board was advised under date of September 17 as follows:—

"We are now pleased to inform the board that this arrangement can be so continued with the cartage companies, but at rates much in excess of the contracts formerly and currently existing.

"That, as a matter of fact, some of the railways have been obliged to make payments to the cartage companies at rates much in excess of the contracts previously existing, in order to maintain the cartage service to September 30, 1913.

"That the tariffs of the Canadian Railway effective January 27, 1913, while affording some relief, have placed an undue burden of cost on the transportation companies, through the changed condition of affairs, so much so that in the event of extending the arrangements between September 30 and December 31, we find it necessary in issuing new tariffs to provide for collection from the public at all cartage stations of a rate of 3 cents per 100 pounds, with a minimum of 20 cents."

The railways were advised that it was desired that the positions taken by the Montreal Board of Trade, the Canadian Manufacturers' Association, and the Toronto Board of Trade in the matter should be signified to the Board. Under date of September 18, Mr. Tilston, on behalf of the Montreal Board of Trade, stated as follows:—

"The interests I represent are anxious that the present railway cartage system be continued, are willing and have agreed to pay the proposed charge of 3 cents per 100 pounds, with a minimum of 20 cents.

A telegram was received from Mr. Walsh, under date of September 23, stating that the Manufacturers' Association was agreeable to the propositions outlined, and hoped that it would be continued permanently, and trusted that the board would concur in the arrangement.

## SESSIONAL PAPER No. 20c

The board is also in receipt of a letter from the secretary of the Montreal Grocers' Guild, dated September 24, pressing for the sanction of the board of the advance charges for the period outlined. The board has just received from Mr. Marshall of the Toronto Board of Trade the position of that Board of Trade, which is set out as follows:—

"The position of this board with regard to the rates for cartage is the same to-day as it was in December last, at the hearing when the railways proposed to advance the rates then in effect, namely, that the charge for the railway cartage service as originally established was wholly included in the freight rates to and from so-called cartage points, and at present the railways are absorbing less than the amount they did prior to the publication of cartage tariffs in 1892, providing for the collection of a certain proportion of the cost from the public."

Mr. Marshall further states, on behalf of his Board of Trade, that the rates during the period of extension proposed should be the same as at present.

The board is also in receipt of a letter from the Hamilton Board of Trade stating that—

"In preference to cancelling the cartage arrangements, the Hamilton Board of Trade prefer to submit to the new cartage rates from now until the end of the year as a temporary measure with the understanding that it would not prejudice our case in future discussions or negotiations."

While the cartage rates are quoted in tariffs filed with the board, the board has no jurisdiction over the cartage companies performing the service, and the rates upon which they perform the service for the railways are dependent entirely upon contracts over the terms of which the board has no control. While the question of long continued custom has been raised as a justification of the further continuance of the cartage arrangement, the board's power to direct in the matter must be founded on the Railway Act. The board recognizes that the arrangement has been a convenience; the board will be pleased if a satisfactory arrangement as between the railways and the shippers can be worked out for a continuance of the arrangement; but the situation is that while the railway may of its own volition enter into an arrangement with cartage companies for the performance of the service on certain terms, the board has no power under the Railway Act to order it to make arrangements as to these cartage services with bodies over which it has no control whatever. The question of facilities is raised, and it is alleged that the disruption of the present arrangements will mean that there will be inadequate facilities afforded at various terminals. The obligation of the railways to furnish adequate facilities is covered by the terms of the Railway Act, and regardless of any arrangement as to cartage methods, the railway has on it the obligation of providing proper facilities.

While the approval of the board has been asked for the proposed tariff, the tariff being a special one is one which does not require the affirmative approval of the board. The matter is one of urgency, and it is now open to the railways to file tariffs to be effective October 1.

Chief Commissioner Drayton, concurred.

September 25, 1913.

## RE ADVANCED CARTAGE CHARGES.

Mr. Commissioner McLEAN:

Under date of August 5, the railways in Western Canada issued a notice that, effective October 1, the practice of advancing cartage charges on outward shipments and the collection of same from the consignees at destination would be discontinued.



5 GEORGE V., A. 1915

The position of the railways in the matter may be taken as set out in the following statement from the Canadian Northern:—

“For many years the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific included in their Winnipeg tariff the cost of cartage. This practice was discontinued on the 15th of May, 1912, but during the period when Winnipeg was eliminated from tariffs, including the cost of cartage, important jobbing interests developed in such cities as Regina, Calgary, Saskatoon, and Edmonton, and under arrangement with the draymen performing the service in these cities, the cost of cartage on outward business was added to the freight bill and collected from the consignees.

“With the abrogation of cartage in Eastern Canada, October 1, the action was taken to harmonize the practice throughout Canada. Following the discussion respecting the abrogation of cartage in Eastern Canada, the Retail Merchants' Association of Prince Albert appealed to the board against paying the cost of cartage on shipments received from Winnipeg, Saskatoon, Regina, and other points where this arrangement was in force and as the board intimated to them that this practice was irregular we abandoned same.”

Various protests against the terms of this notice were subsequently received from the jobbing interests concerned.

On the other hand a strong protest against the continuance of the arrangement was set out in a telegram from Mr. H. L. Montgomery, of Deloraine, Man., setting out the existing arrangements as unjust to the country merchant, and that the jobbers should “meet the country merchants in the open by adding the cartage to their invoices.”

The proposed change comes at an awkward time so far as business is concerned. It is not only a busy season because of the laying in of fall stocks by the consignees, it is also a time when the traffic handled by lake and rail is being rushed forward for western dealers. It is further represented to the Board that the existing cartage arrangements are dependent upon the arrangement as to advance charges which has been entered into by the railways. The railways state that as a matter of business practice, they cannot agree to look after the advance charges and collection business of every individual drayman, since it would lead to their books being cumbered with a multiplicity of accounts. This plea from the standpoint of business practice is, however, aside from the question of the legal right of the railways so to act.

The board has already made clear its position as to the legal status of the matter. It desires that the proper arrangement should take place and as soon as possible. But in desiring that the proper arrangement should take place as promptly as possible, it at the same time recognizes that in view of the custom which has in this respect developed it is in the interest of all concerned that the change should be made with a minimum of dislocation of business in respect of cartage to and from the railway. When the protests against the disturbance of the existing arrangement were received, there were at the time negotiations pending in Eastern Canada regarding the cartage service, cancellation notices in regard to which have been filed, effective October 1. Bearing in mind the tiding over the transition period, the board suggested to the railways that the existing arrangements as to advance charges and collection in Western Canada might be continued until January 1, 1914.

It has been represented to the board that the shippers will, at the earliest possible moment, take up with the railways and the cartage companies the question of working out some system which will obviate the present objectionable features. It has not the power, nor is it attempting to exercise power or modify in any way the rights and obligations of the parties to the shipping contract.

The question as to whether the consignees should or should not pay advanced cartage to the railway is one entirely of contract between the parties. The Board has nothing to do with it, nor is the work done by the railway in any manner a railway service of facility within the meaning of the Railway Act.

## SESSIONAL PAPER No. 20c

Changes of long-standing practices always involve more or less inconvenience, dislocation of business, and delay. October 1 is about as bad a time for the proposed cancellation as could be selected. Under the circumstances the board will make no order in this matter until after January 1, 1914.

Chief Commissioner Drayton concurred.

September 25, 1913.

## RE COMMUTATION TICKETS, G.T.R. BETWEEN ST. HYACINTHE AND MONTREAL.

Chief Commissioner DRAYTON:

This is an application made on behalf of the town of St. Hyacinthe, Que., for an order directing the Grand Trunk Railway Company to sell commutation tickets between St. Hyacinthe and Montreal.

It was shown at the hearing that St. Hyacinthe is 35.67 miles from Montreal, and that the longest distances out of Montreal that the Grand Trunk Railway Company now sells commutation tickets are to St. Johns, 27 miles; to Vaudreuil, 24.45 miles; and to St. Hilaire, 23 miles.

The regular tariff rate from Montreal to St. Hyacinthe is \$1.20; and the commutation rate asked for 60 cents per ticket for a book of ten tickets covering that number of trips to and from St. Hyacinthe, said tickets to be used within a specified time.

The rate is desired on the ground that, with it, St. Hyacinthe would have an opportunity of bringing into its community a part of the population which is moving to the country every summer,—that St. Hyacinthe would become a summer resort, which would be a benefit to the railway company, the people of St. Hyacinthe, and the community generally.

I pointed out at the hearing that the application was covered by the judgment of the board in the Brampton case; and judgment in this case has been reserved only for the purpose of giving the parties an opportunity of distinguishing this case from the Brampton case. This has not been attempted; and, in my opinion, the only distinction is that the Brampton case is much stronger than the case now under adjudication, as the Applicant there shows that the railway company had a commutation rate from Toronto to Oakville in effect, a distance of 21.14 miles, while Brampton had no commutation rate and was distant from Toronto only 21.1 miles; so, in order to give effect to the application, it was not necessary in that case, as it would be in this to extend the zone from the common centre to and from which commutation tickets should be issued.

Reference may be had to the reports of the Brampton application, which are to be found under the head of *Wegenast vs. Grand Trunk Railway Company*, 8 Canadian Railway Cases, page 42, and *Toronto and Brampton vs. Grand Trunk and Canadian Pacific Railway Companies*, 11 Canadian Railway Cases, page 370.

Commissioner McLean concurred.

September 30, 1913.

## RE CARLOAD RATING OF PEANUT BUTTER.

Chief Commissioner DRAYTON:

This is an application made by Mr. T. Marshall on behalf of the Traffic Department of the Toronto Board of Trade, for an order requiring railway companies to provide a carload rating as of the fourth class for peanut butter.

The application was heard at Montreal on July 8, 1913, when leave was reserved to Mr. McInnes, who appeared on behalf of the railway companies, to file a written statement showing the effect that the extension of a carload rating on peanut butter

5 GEORGE V., A. 1915

would have on the companies' revenues. No such statement has been filed by Mr. MacInnes, nor perhaps would such a statement be of much use in determining the question now under consideration.

In support of the application, it was shown that one particular shipper shipped some 490,000 pounds of peanut butter in Canada, which, if loaded in earlots would have meant at least a movement of twenty cars properly loaded to the minimum.

The railway companies' objections are based on the grounds of (1) losses of revenue; (2) the impropriety of changing the classification here and there without a consideration of the whole question on some broad general principle urging indeed the consideration of a reconstruction of the whole classification; (3) no possibility of any movement of peanut butter in earload lots; and (4) that the underlying reason for the application was simply to obtain the benefit of the mixing privilege.

To a large extent I think that the railway companies are correct in their submissions. I do not think, however, that their submissions answer the application. The board cannot very well, of its own motion, take up the question of reconstructing the classification so as to more properly meet the exigencies of to-day's railway situation, and the demands of commerce. Both the shippers' associations and the railway companies have intimated that it would be a proper thing to do, but neither of them apparently seem to want to do it.

The board has intimated that, in its view, the matter should be taken up in conference between the shippers and the railways, and at the present will not do more. This condition affords no reason why, if the present method of classification demands it, an extension to cover any given commodity should not be made.

So far as earlot movements of peanut butter are concerned, I do not anticipate any considerable movement. The manufacturer, it is true, may ship in earload lots, but the majority of the movement of peanut butter, I think, will undoubtedly be in less than earload lots; and the real advantage that the shippers will obtain by the board's giving effect to the present application will be the mixing privilege.

This, again, seems to me to be no reason why the order should not be made. The same can be said of many of the commodities appearing on the grocery list, which includes peanut butter.

Section 317, subsection 3 (c), prohibits railway companies subjecting any particular person, or company, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Rightly or wrongly, I think rightly, the railways have included peanut butter in the grocery list. The term "butter" is rather a misnomer. The article which from the name might be said to be in competition with butter, is, as a matter of fact, more in competition with jams and relishes. Jams and jellies receive a earload rating, as does honey, as well as pickles and the like. Why the line should be drawn in the grocery list at peanut butter, I do not know. Practically everything in the grocery list has a earload rating, and so long as the present classification continues in force, there is no reason, in my mind, why peanut butter should not receive it.

November 20, 1913.

Mr. Commissioner McLEAN:

I am of opinion that the rating as asked for should be given.

Order issued requiring that the Canadian Freight Classification be amended by the addition of a rating of fourth class for peanut butter in earloads, and that the said amendment included in the proposed Supplement No. 2 to the Canadian Freight Classification, No. 16, submitted by the Canadian Freight Association for the approval of the board.

#### RE RATES ON IMPORT WOOD PULP.

Mr. Commissioner McLEAN:

Complaint was made by the Howell Company of Toronto in regard to the increase of freight rates on import wood pulp to various points on the Canadian Pacific, Cana-



## SESSIONAL PAPER No. 20c

dian Northern, and Grand Trunk. It was stated that in 1913, the C.P.R. and the Canadian Northern had a rate of 6 cents per 100 pounds on this commodity, in car-loads, from Montreal to Shawenegan Falls, while at the same time the C.P.R. rate to Grand Mère, Joliette, and Lachute was 8 cents per 100 pounds. To Kingsey station and Windsor Mills, the Grand Trunk rate was 9 cents. As a result of the negotiations between the applicant and the railways, the C.P.R. rates to the points mentioned were reduced to 6 cents per 100 pounds, while the Grand Trunk reduced its rate to Windsor Mills and Kingsey Station to 7 cents. The railways had these rates in effect in 1912, and gave notice that they were limited to the shipping season of that year. It is not necessary to enter into the reasons why the reduced basis to Shawenegan Falls came into existence, or why the rate was again placed at 8 cents in 1913. The applicant amended his application so that the complaint was concerned with the rate to Windsor Mills alone.

The applicant handles imported sulphite pulp. The imported sulphite pulp is used by the Belgo-Canadian Pulp and Paper Company at Shawenegan Falls. It is also used by the Canada Paper Company at Windsor Mills, to which the applicant sells sulphite pulp. He states that owing to the higher rate to Windsor Mills than to Shawenegan Falls, this militates against the possibility of his doing business at Windsor Mills. The applicant refers to this rate difference as being between 2 and 3 cents per 100 pounds. As, however, the rates to Shawenegan Falls and to Windsor Mills are now 8 cents and 9 cents respectively, the difference is one cent.

The difference in rate treatment as between Windsor Mills and Shawenegan Falls does not necessarily create a discrimination since the points are on different systems of railways. The contention of the applicant is in reality concerned with the reasonableness of the rate from Montreal to Windsor Mills.

By way of the C.P.R. to Shawenegan Falls, the distance from Montreal is 116 miles; by the Canadian Northern to the same point, it is 94 miles; while the mileage from Montreal to Windsor Mills is 87 miles. The rates are stated.

Consideration of the tariffs on woodpulp in force between other points on the Grand Trunk shows that they are not worked out on a mileage basis. The following statement covers a number of points, indicating the rates and minimum applicable:—

	Miles.	Min. 40,000 pounds.
Danville to Cornwall . . . . .	154	5 cents.
Ottawa to Brompton Falls . . . . .	208	5 "
Merriton to Georgetown . . . . .	61	6 "
Hawkesbury to Cornwall . . . . .	67	6 "
Merriton to Thorold . . . . .	69	6 "
Campbellford to Toronto . . . . .	125	7 "
Ottawa to Mille Roches . . . . .	113	6 "

It would appear from this statement that the rates are made for particular points.

In a statement submitted by the Grand Trunk, it is set out that there are Montreal special charges amounting to about 2½ cents per 100 pounds. These are as follows: handling 30 cents per ton; rail carriers' proportion of wharfage, 3 cents per ton; Montreal Harbour Commissioners' switching \$2.50 per car, 17 cents per ton, making a total of charge for Montreal terminals of 50 cents per ton.

While, as has been indicated, the local movement of woodpulp was not worked out on a mileage basis, it would seem not to be unfair to take the rate from Ottawa to Mille Roches, viz., 6 cents, as affording some measure of the rate. However, it must be noted that the shipments from Montreal to Windsor Mills move on the minimum of 36,000 pounds, while from Ottawa to Mille Roches the minimum is 40,000 pounds; that is to say, if the 6-cent rate were applied to the movement from Montreal to Windsor Mills on a 40,000 pound minimum, it would mean an increase of 11 per cent as compared with a 36,000 pound minimum, or a rate of 6.76 cents.

5 GEORGE V., A. 1915

The question of the terminals must be considered. In the case of a movement from Montreal to Windsor Mills, reference is made only to one terminal, viz., at Montreal; so the rates on the local product may be looked at in the same way. Attention may be devoted to one terminal alone.

While the railways have set out terminal charges of 50 cents, applicant admits that a terminal charge of 20 cents would be reasonable; but in addition to this there must be considered the special charges in respect of the rail carriers' proportion of wharfage and the Harbour Commissioners' switching charge at Montreal. This would add 1 cent to the rate as figured out, making a total of 7.76 cents. The question of the difference between the 20 cents for terminal charges, which the applicant admitted would be reasonable and which may be connected with the item set out by the railway as being charged for handling, and the 30 cents as set out under this heading was not analyzed by either of the parties, and there may be some doubt as to the exact terminal charge.

Comparing the rate as charged with the rates of the local product, and taking into consideration the mileage involved and the charges which have to be borne at Montreal on the imported product as compared with the movement on the local product, I am of the opinion that 8 cents is a reasonable rate for the movement from Montreal to Windsor Mills, and that order should go accordingly.

Chief Commissioner Drayton and Assistant Chief Commissioner Scott concurred.  
December 3, 1913.

#### RE MILLING-IN-TRANSIT RATES—ONTARIO AND MANITOBA FLOUR MILLERS.

##### Assistant Chief Commissioner SCOTT:

The applicant company has a mill situated at Sudbury, Ont. It applies for the same milling-in-transit rates as are enjoyed by millers west of Fort William.

The present rates available to the Applicant Company are covered by C.P.R. Tariff No. E-777, C.R.C. No. E-1196, and Supplement No. 25 to that tariff. This gives it the through rate from the point of shipment of the grain to the destination of the product, with a 1 cent per hundred pounds stop-over for milling-in-transit, to all C.P.R. points east of Sudbury via the mainline; westerly on the "Soo" branch, and south to Toronto and intermediate points on the C.P.R. Sudbury-Toronto line; also, to points on the O. & N.Y. C.N.Q., Quebec Central, Intercolonial, and (in Canada) on the Central Vermont and Boston & Maine lines. There is also a through rate, with 2½ cents per hundred pounds added, to the C.P.R. stations Leaside Junction to Smith's Falls and stations on the Lindsay subdivision.

The mills west of Fort William, under Tariff No. W-2772; C.P.R. No. W. 1769, with certain limitations and subject to certain conditions not relevant here, get the through rate from the point of origin to final destination plus 1 cent per hundred pounds for milling, to any point east of Fort William. As all the older parts of the province of Ontario are east of Fort William, these mills have the privilege of shipping into any part of that territory on the through rate, with the milling-in-transit charge of 1 cent per hundred pounds added. As will be seen from the limitations put upon the shipments from Sudbury, under Supplement No. 25 to Tariff C.R.C. No. E 1196 above mentioned, the same privilege is not enjoyed by the applicant company; and it now asks that, in this regard, it be put upon an equality with the mills west of Fort William.

The applicant company, unlike those operating other mills in Ontario east of Fort William, is without a local source of supply and is dependent upon the grain of Western Canada; and, further the great bulk of its requirements must, necessarily reach the mill over the all-rail route. The Ontario mills south and west of Sudbury

## SESSIONAL PAPER No. 20c

have the advantage of local grain as a source of supply, and are in a position to get the advantage of the combination of the low water rates to, and the special rail rates from, the eastern lake port elevators.

In addition to the opposition of the Canadian Pacific Railway Company, this application is opposed by Mr. Watts of the Dominion Millers' Association, who contends that the underlying principle of the milling-in-transit arrangement, as understood in Canada, is that it is "a moving forward" of the manufactured product from the "milling point" towards the "seaboard". He adds that, "there is no provision in our tariff for a backward movement." The railway company did not follow the "seaboard" idea when it voluntarily gave milling-in-transit rates to the Sudbury mill on re-shipments to points on the "Soo" line. Further the "seaboard" idea was not followed by the railway company when it issued the present tariff giving the mills west of Fort William milling-in-transit rates to western Ontario. Flour shipped from Kenora to London, or Guelph, is nearer the seaboard when it passes the applicant's mill at Sudbury than when it reaches its destination.

The question for us to determine is not one of milling-in-transit, but one of unjust discrimination.

The applicant is not asking for any extension of the milling-in-transit principle in and of itself. It only asks that there be no discrimination in favour of its competitors west of Fort William. Since these mills have milling-in-transit rates which enable them to ship through Sudbury to any point in Ontario, I think similar rates should be given the applicant company.

The circumstances and conditions with respect to the traffic from the mills west of Fort William and the mill at Sudbury are substantially similar; and, in my opinion, the present tariffs unjustly discriminate against Sudbury. In this view our chief traffic officer agrees with me.

Therefore, I think an order should go, giving the privilege of milling all-rail grain at Sudbury, in transit from Port Arthur, Fort William, and points west thereof, at the through rate of all points east of Sudbury and the Detroit and St. Clair rivers reached by millers west of Fort William under milling-in-transit arrangements, subject to the regulations and restrictions thereof; and, subject, also to the same additional toll of 1 cent per hundred pounds for the terminal service at Sudbury.

Commissioner Mills concurred.

December 10, 1913.

RE EASTERN TOWNSHIPS LUMBER COMPANY, LIMITED, AGAINST PROPOSED INCREASE ON PULPWOOD FROM STATIONS ON THE LINE OF THE TEMISCOUATA RAILWAY TO POINTS IN NEW YORK STATE AND OTHER POINTS REACHED BY THE INTERCOLONIAL RAILWAY.

Mr. Commissioner McLEAN:

The Temiscouata Railway issued, on December 20, 1913, a joint freight tariff on pulpwood to be effective January 24. The movements of pulpwood from points on this line are dealt with at present by the railway under four groups. These, with their rates, are as follows:—

Group 1, St. Modeste to Whitwork . . . . .	17 cents.
“ 2, 17½ Mile Siding to Vauban . . . . .	17 “
“ 3, 35 Mile Siding to Hayes . . . . .	17½ “
“ 4, Notre Dame du Lac to Connors . . . . .	18 “

The tariff whose effective date is the 24th instant, provides for one-half cent increase in each of these rates.

While the Intercolonial railway is not subject to the board's jurisdiction, the board is advised that the Intercolonial has hitherto on the movement of pulpwood over the Temiscouata taken as its proportion from Rivière-du-Loup, where pulpwood is trans-



5 GEORGE V., A. 1915

ferred to the Intercolonial, 14 cents. The through rates as at present existing are made up of the addition of the local rates for the four groups above set out to this proportional from Rivière-du-Loup.

Under a new local tariff which was to have been effective January 1, the local rates for pulpwood on the Temiscouata Railway for local delivery to Rivière-du-Loup were increased. From group 1, above set out, no change was made in the local; but from groups 2, 3, and 4 the locals were increased by one-half cent. This local tariff was suspended pending investigation. It will appear that, except in the first group, the new through rates as proposed are made up by the addition of the increased locals to the Intercolonial portion as above set out.

It has been the practice in the past for the Intercolonial to publish tariffs naming rates on pulpwood from stations on its line, and to include therein rates from Temiscouata Railway stations. The tariffs although so published by the Intercolonial were filed by the Temiscouata Railway, which was a participating carrier therein. Effective the same date as the proposed new Temiscouata joint freight tariff, the Intercolonial filed supplements to their tariffs eliminating the Temiscouata as a participating carrier.

The board in dealing with the question of rates on pulpwood to points in the United States permitted, in its judgment of February 24, 1913, certain increases, with the proviso that these increases were not to be effective until August 15, 1913. The object of this proviso was to permit contracts already entered into by shippers to be looked after, it being recognized that since the contracts had been made it would necessarily happen that any addition to the rate during a period which would reasonably permit of the fulfilment of the contracts would of necessity have to be borne by the shipper. Under this judgment, the rate increases varying from one-half cent to 3 cents per 100 pounds were permitted. In the case of shipments by the Grand Trunk to Fort Edward and Watertown, the increases in the Grand Trunk portion of the rate on shipments from Windsor Mills, Dixville, Danville and Point Levis varied from .57 of 1 cent per 100 pounds to 1 cent. In the case of shipments by the C.P.R. to the same points, from Three Rivers, Scotstown, and Mont Laurier, the increases sanctioned were from 1 cent to 1½ cents per 100 pounds, there being an increase of 1½ cents in the case of shipments from Mont Laurier to Watertown.

In view of the full consideration which was given the matter of pulpwood rates in this judgment, and the various factors dealt with by the board therein, it would appear that the application of the Temiscouata Railway falls within the general position set out by the board, unless there are conditions which properly distinguish the Temiscouata Railway from the Canadian Pacific and the Grand Trunk.

Under the increased rates which were so sanctioned by the board, the rates from points on the Temiscouata Railway over the Intercolonial were increased by 1 cent. All of this increase was taken up by the Intercolonial, which is not subject to the board's jurisdiction.

The Temiscouata states that it did not look for any increase in rate at the time on account of the car shortage which had for some time existed. It, however, considers that the condition of its business justifies the application for an increase, and that the half-cent per hundred pounds which it asks for is not undue.

The Temiscouata Railway for the statistical year 1913 handled 187,553 tons of revenue freight. The great bulk of the traffic handled on this road originates thereon, no less than 92 per cent of the tonnage originating on the road. It will be found that of the tonnage originating on the road, 93 per cent is concerned with forest products, while of the total tonnage carried by the road 87.4 per cent is represented by the same item. The importance of the forest product tonnage may be shown another way. By taking up the more important items of freight the following result is obtained, in

## SESSIONAL PAPER No. 20c

percentages, of the total traffic moved on the road: Anthracite coal and bituminous coal, 1.7 per cent; manufactures, 2.7 per cent; products of agriculture, 4.9 per cent; miscellaneous, 3.7 per cent; and forest products, 87.4 per cent.

Out of the approximately 14,000 tons of freight which are received from other railways, it will be found that agricultural products, manufactures, merchandise, and miscellaneous account for 12,500 tons. The statements of Mr. Grundy on behalf of the railway company that the traffic is highly specialized, being concerned, for the greater part, with low grade bulk commodities, and that there is but little inbound freight, are substantiated by an analysis of the returns made to the Government.

The average haul per ton is 43.35 miles. The length of the road is 113 miles. In the handling of the pulpwood tonnage, it appears to be impossible to obtain train-load figures, as the bulk of the pulpwood apparently is handled on mixed trains. The freight train mileage on the Temiscouata is, to the mixed train mileage, as one is to seven. While the preponderance of mixed train mileage vitiates somewhat any averages computed as to the tonnage per train, subject to this caution it would appear that the average tonnage per train moving freight is 97 tons. The figures for the year 1912, which were the latest available at the time the judgment on pulpwood rates was given, may be referred to. There is nothing in the judgment to show that these figures which are now being cited were used as a basis in arriving at the conclusions contained in that judgment; but the general traffic condition at the time of the judgment, of the roads affected, is a factor which may now legitimately be used for comparative purposes.

The average haul and the average tonnage per train of the Temiscouata Railway have been set out. For the year 1912 the average haul per ton on the Canadian Pacific Railway was 372 miles, while the average tonnage per freight train was 392. In the case of the Grand Trunk Railway, the figures were, respectively, 304 and 102.

It is stated by the Temiscouata that its railway is disadvantageously situated, fifty per cent of its line is said to have one and one-half per cent grades. In a memorandum submitted by Mr. Grundy, the following computation is given:—

“Engine, sixteen empty box cars and train crew leave Rivière-du-Loup and set out sixteen empties at St. Jacques (mileage 75), engine proceeds to Edmundston (mileage 81) to turn, and returning takes on 16 loaded cars at St. Jacques; at Cabano (mileage 43) train is cut and two trips made to St. Honore (mileage 27), each trip with eight loads. From St. Honore to Rivière-du-Loup sixteen loads are handled in.

“Revenue at present rate: 16 cars of	
40,000 pounds at 4 cents per 100 pounds. . . . .	\$ 256 00
Operating expenses, 73.28 per cent. . . . .	187 60

Profit. . . . .	\$ 68 40
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“This would entail at least eighteen hours work.”

This computation is subject to the criticism that the traffic does not move in solid train loads. It is, however, of value as showing what effect the grade has upon the efficiency of operation.

A reference is made to the rates which are charged in connection with pulpwood movement for export on the Grand Trunk Railway, as well as on the Quebec Central Railway, the rates being as follows:—

## GRAND TRUNK RAILWAY TARIFF, C.R.C. No. E 2771.

From	To	Miles.	
Dixville, Que. . . . .	Berlin, N.H.	72 $4\frac{1}{2}$	cents per 100 pounds.
Coaticooke, Que. . . . .	“	77 $4\frac{1}{2}$	“
Windsor Mills, Que. . . . .	“	113 $4\frac{1}{2}$	“
Bromptonville, Que. . . . .	“	105 $4\frac{1}{2}$	“
Richmond, Que. . . . .	“	125 $4\frac{1}{2}$	“
Windsor Mills, Que. . . . .	Groveton, N.H.	90 $4\frac{1}{2}$	“
Bromptonville, Que. . . . .	“	80 $4\frac{1}{2}$	“
Richmond, Que. . . . .	“	100 $4\frac{1}{2}$	“

5 GEORGE V., A. 1915

## INTERNATIONAL RAILWAY OF NEW BRUNSWICK, TARIFF.

From	To	Miles.	
Richards...	Campbellton.	54	5 cents per 100 pounds.
Rosco...	"	64	5 "
Fingers...	"	69	5 "
Hammond...	"	80	5 "
Grand R...	"	96	5½ "
Fleming...	"	102	6 "

## QUEBEC CENTRAL RAILWAY TARIFF, C.R.C. No. 218.

From	To	Miles.	
St. Ephrem...	Sherbrooke.	105	5 cents per 100 pounds.
St. Evarist...	"	112	5 "

The new proportion of the Temiscouata on its proposed new joint rate would be, for the whole length of its line,  $4\frac{1}{2}$  cents.

Under the rates approved by the Board in the decision above referred to, the Grand Trunk proportion of the rate from Windsor Mills to Fort Edward, a distance of 125 miles, on its own line, was increased from 4.56 to 5 cents. In the case of the Canadian Pacific Railway, the rate from Three Rivers to Fort Edward, a distance of 105 miles, on its own line, was increased from  $3\frac{1}{2}$  to 5 cents.

In view of what has been set out both from the standpoint of comparison and from the standpoint of the peculiar conditions affecting the traffic of the Temiscouata Railway, it seems justifiable to sanction the increase asked for. There is, however, another phase of the matter. As has been indicated the shipments of pulpwood are concerned with the completion of relatively long-term contracts. These contracts are made in the summer and fall for shipment during the winter. Any change in the rate must of necessity affect the shipper directly. While, under the Railway Act, provision is made that rates may be increased on thirty days' notice, it is well established that where a business already built up has enjoyed for a period of time a particular rate, due weight should be given to this by a regulative body in its decision. This is not to say that there is any vested right in freight rates, but that the effect of their continuance for a period of time is one of the factors to be considered. Where as in the present case the contracts between the consignors and the consignees of necessity run for a period of time before they can be completed, it is reasonable that this should be considered.

Mr. Grundy has stated that he estimates that he will move about 5,000 carloads of pulpwood on his line during 1914. Statements have been submitted to the Board from leading shippers using this line, stating that they have contracts on hand for the present year covering some 49,800 cords of pulpwood to be handled on this line. It is not shown just how much of this total has already been delivered. The 49,800 cords above referred to, at a weight of 3,000 pounds to the cord, would represent 74,700 tons, or, at a minimum loading of 40,000 pounds, would represent 3,735 cars, approximately three-fourths of the carload movement in pulpwood which Mr. Grundy expects to handle during the year.

There should, therefore, be granted such reasonable period of time for completion of the contracts as is necessary. In the decision in the pulpwood case already referred to, the judgment was delivered on February 24, and the tariffs requiring the increased rates were allowed to be effective on August 15, 1913. A similar suspension would seem to be reasonable in the present case.

While, as has been pointed out, the joint tariff hitherto in force was published by the Intercolonial, it was none the less, as to the movements from Temiscouata points, the tariff of the Temiscouata. On the 23rd instant Mr. Grundy of the Temiscouata was telegraphed to notifying him that Tariff 225, C.R.C. 221, was suspended and that in the meantime joint rates on pulpwood ex Temiscouata points were to be protected



## SESSIONAL PAPER No. 20c

by Intercolonial Tariff, C.R.C. 1027, which was the Temiscouata C.R.C. No. 214. As the Intercolonial is not subject to the board's jurisdiction, it was telegraphed to in the matter of this joint tariff. The board is in receipt of telegraphic advice from it that it is agreeable to the continuance of this tariff for the period in question.

Order may therefore go sanctioning the increase provided for under Tariff T.R. No. 225, C.R.C. No. 221, such increase, however, being suspended as already provided until August 15, 1914. The suspension as to the Temiscouata Tariff T.R. No. 221, C.R.C. No. 217, already covered by the board's order No. 21105, is also, to remain effective until August 15, 1914.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

Order accordingly issued.

January 24, 1914.

RE THE WOOD COAL COMPANY, AND THE BARBER-ELLIS, LIMITED, BRANTFORD, ONTARIO.

Mr. Commissioner McLEAN:

In both of these cases there is involved the interpretation of rule 2 of the Canadian Car Service Rules. The facts as developed in the complaint of the Barber-Ellis Company may be taken as sufficiently characteristic. That complaint sets out as follows:—

"Messrs. Barber-Ellis, Limited, of Brantford, received advice of the arrival of a car of coal from Black Rock at 4.30 p.m. on December 23 last. The car was placed on their siding about noon on December 26. They passed Customs on December 27 and unloaded the consignment on the 30th. Five dollars a car rental was charged them as per the enclosed expense bill. This was made up as follows: Two dollars for the first day and three dollars for the second. The agent at Brantford took the position that Barber-Ellis should have entered the car within twenty-four hours after its arrival and having failed to do so that they should pay demurrage, and he, therefore, charged them \$2.

"This interpretation of the car service rules we dispute, while Mr. Duval, former manager of the Canadian Car Service Bureau, and his successor, Mr. Reilly, both uphold the agent; in other words, they take the position that it is the duty of consignees to make entry within the first twenty-four hours after arrival of the car. This we contend is entirely at variance with the language of the Car Service Rules."

Rule 2 of the Car Service Rules provides that there shall be twenty-four hours allowed to consignee after notice of arrival in which to pay the tolls or charges, if any, and give orders for special placing or delivery. This is subject to the provisions of rule 11 which provides that where the railway company has previous or standing orders from the consignee for placing freight on designated tracks or private sidings, the consignee shall not be entitled to the extra twenty-four hours for paying freight and giving placing or delivery orders. Rule 15 further provides that in the case of re-shipment, under switching arrangements, the original consignee alone is to have the twenty-four hours in which to give orders for placing or delivery. Rule 2 provides that forty-eight hours free time are allowed for loading and unloading, subject to certain qualifications, in regard to extended or diminished time on certain commodities, which need not be gone into here. Clause D of rule 2 provides:—

"Twenty-four hours additional free time shall be allowed for clearance of customs, where the destination is a port of entry, making the allowance for clearance of customs, and for giving, placing or delivery orders, forty-eight hours in all."

5 GEORGE V., A. 1915

The question involved is as to whether, leaving aside reference to the time allowed for special placing or delivery, the consignee is under the obligation to clear customs during the first twenty-four hours, or whether the requirements of the rule are met so long as the customs are cleared and the cars unloaded within the period of 72 hours.

The interpretation of the rule from the standpoint of principle depends upon an opinion as to what was intended to be embodied in the rule, rather than upon the construction of the words contained in the rule. If one is of opinion that, under the rule, the consignee has the right to the full seventy-two hours, made up of the twenty-four hours for clearance of customs and the forty-eight hours for unloading, then it is perfectly clear what the interpretation from the standpoint of principle would be. If, on the other hand, one is of opinion that the only right in connection with the seventy-two-hour period is a right to so much thereof as may be necessary, a radically different conclusion will be formed. From the standpoint of principle, the present applications are tied up with what is involved in the question of average demurrage; and it has seemed to the board that they might more properly be dealt with in connection with the foregoing topic.

The applicants, however, press for a ruling. In view of what has been said, the ruling must be concerned with the words of the rule, not with any question of principle assumed to be incorporated in the rule.

The rule states that twenty-four hours "additional free time" is allowed for the clearance of customs. Does this mean that in addition to the forty-eight hours allowed for unloading, there is thereafter an additional twenty-four hours for passing customs? While possibly, this construction might be placed upon the words, it would create an unworkable condition. It has been laid down that the words of a rule should show their true intent and meaning, and that one should not depend upon the mind of the framer of the rule or of the one carrying it out for information as to the intention. But where reference to clearance of customs is made, there is a reference not to any "intention" of the one enforcing of the rule, but to the practice of the customs authorities. The clearance of customs must be effected before the car is in position to be unloaded. The time allowed for clearance of customs as compared with the time for unloading must, therefore, be prior. That is to say, the time allowed for clearance of customs stands first on the list and under the rule the forty-eight hours for unloading runs from the termination of the time allowed for clearance of customs.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.  
February 11, 1914.

RE FULLERTON LUMBER AND SHINGLE CO., VANCOUVER, B.C., *vs.* C.P.R.

Mr. Commissioner McLEAN:

The application is concerned with the through rates on group D lumber from Bellingham, Wash., to points in the Canadian Northwest, it being alleged that the through rates are excessive to the extent that they exceed the sum of the locals. Group D. lumber, which includes lumber, poles, piling and timbers is in general concerned with fir, hemlock, larch and spruce lumber and specified manufactures therefrom, is the lowest of the lumber rate groups covered by the Northern Pacific tariffs. These tariffs also set out groups A, B, and C.

Before the complaint was lodged with the Board, complaint was lodged with the Interstate Commerce Commission, which found that if any unjust discrimination existed in connection with the combination rates charged for the transportation of lumber from points in Washington to points in Canada, this was concerned wholly with the rates for transportation in Canadian territory, and hence was not subject to the control of the Interstate Commerce Commission. It further stated that the joint rates complained of were not found to be unreasonable.—*Fullerton Lumber and Shingle Co. v. Bellingham Bay and British Columbia Railway Co. et al* 25 I. C. C. 376.

## SESSIONAL PAPER No. 20c

The points of destination in the Canadian Northwest which are set out in the complaint of the Fullerton Lumber Company, as contained in the correspondence on file, are Stettler, Castor, Macklin, Hardisty, Saskatoon, Viscount, Colonsay, Outlook, Kandahar and Wynyard.

Under the joint lumber tariff of the Northern Pacific, dealing with the movement from points in Washington and Oregon to Canadian points west of the Great Lakes, the points of origin are divided into three groups designated as Coast, North Yakima, and Spokane. Bellingham is located in the Coast group. In the opinion of the Interstate Commerce Commission, reference is also made to Lyndon, Clear Lake, Everett, Monahan and Big Lake, which are additional shipping points in the Coast group covered by this tariff.

The applicant sets out the points to which his shipments move from Bellingham. For comparative purposes there have been included in Table "A" the rates, both through and the sum of the locals, not only from Bellingham but also from the other shipping points mentioned in the opinion of the Interstate Commerce Commission.

From	Bellingham		Lyndon		Clear Lake		Everett		Monahan		Big Lake	
	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.	Through rate.	Sum of locals.
To												
Stettler.....	45	43½	45	43	45	44	45	47	45	47½	45	44½
Castor.....	45	43½	45	43	45	44	45	47	45	47½	45	44½
Macklin.....	45	43½	45	43	45	44	45	47	45	47½	45	44½
Hardisty.....	44	43½	44	43	44	44	44	47	44	47½	44	44½
Saskatoon.....	45	43½	45	43	45	44	45	47	45	47½	45	44½
Viscount.....	48	43½	48	43	48	44	48	47	48	47½	48	44½
Colonsay.....	48	43½	48	43	48	44	48	47	48	47½	48	44½
Outlook.....	44	43½	44	43	44	44	44	47	44	47½	44	44½
Kandahar.....	51	45½	51	45	51	46	51	49	51	49½	51	46½
Wynyard.....	51	45½	51	45	51	46	51	49	51	49½	51	46½

From the Coast group, the rates quoted are grouped to points between Laggan and Fort William. There are two broad groups which have respectively 40 cents and 45 cent rates. The 40 cent group begins at Laggan, 498 miles east of Sumas, and extends east thereof to Winnipeg, 954 miles. The 45-cent rate group extends to Fort William. On the Canadian Pacific, some 430 destination points are included in the 40-cent group, while in the 45-cent group there are some 149. In addition, there are modified group rates built up by adding arbitraries to either the 40-cent or 45-cent rate. These group rates so built up cover some 109 destination points which will be referred to later.

In the opinion of the Interstate Commerce Commission already referred to, the following information is set out as to points of origin in the Coast group, distance from Sumas and local rate thereto:—

From.	Rate per 100 pounds.	Distance in miles.
Bellingham, Wash. . . . .	3½ cents.	23
Lyndon, Wash. . . . .	3 "	12
Clear Lake. . . . .	4 "	43
Everett, Wash. . . . .	7 "	96
Monahan, Wash. . . . .	7½ "	116
Big Lake. . . . .	4½ "	49



Sumas is located on the international boundary. The Vancouver lumber rate applying on shipments eastward to points in the Canadian Northwest, applies from Sumas; and it is this rate which is spoken of in the complaint as the local.

While, as has been indicated, there are two large rate groups, there are, in addition, minor groups, with rates attaching thereto. The 697 points of destination on the Canadian Pacific are covered by nineteen rates. In table "B" which follows, a representative point is given for each rate as well as information concerning the relation of the through rates and the sum of the locals.

TABLE "B".

From  To	Bellingham		Lyndon		Clear Lake		Everett		Monahon		Big Lake.	
	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.	Rate charg- ed.	Sum of locals.
Regina.....	40	43½	40	43	40	44	40	47	40	47½	40	44½
Edmonton.....	41	43½	41	43	41	44	41	47	41	47½	41	44½
Forward.....	42	43½	42	43	42	44	42	47	42	47½	42	44½
Killam.....	43	43½	43	43	43	44	43	47	43	47½	43	44½
Wellwood.....	43½	45½	43½	45	43½	46	43½	49	43½	49½	43½	46½
Hardisty.....	44	43½	44	43	44	44	44	47	44	47½	44	44½
Rapid City.....	44½	47½	44½	47	44½	48	44½	51	44½	51½	44½	48½
Saskatoon.....	45	43½	45	43	45	44	45	47	45	47½	45	44½
Lenore.....	45½	47½	45½	47	45½	48	45½	51	45½	51½	45½	48½
Imperial.....	46	43½	46	43	46	44	46	47	46	47½	46	44
Minnedosa.....	46½	47½	46½	47	46½	48	46½	51	46½	51½	46½	48½
Cheviot.....	47	43½	47	43	47	44	47	47	47	47½	47	44½
Newdale.....	37½	48½	47½	48	47½	49	47½	51	47½	51½	47½	49½
Colonsay.....	48	43½	48	43	48	44	48	47	48	47½	48	44½
Birtle.....	48½	48½	48½	48	48½	49	48½	52	48½	52½	48½	49½
Russel.....	49	48½	49	48	49	49	49	52	49	52½	49	49½
Bredenbury.....	49½	47½	49½	47	49½	48	49½	51	49½	51½	49½	48½
Yorkton.....	50	47½	50	47	50	48	50	51	50	51½	50	48½
Leslie.....	51	45½	51	45	51	46	51	49	51	49½	51	46½

The relative importance of the different group rates in respect of the destination points they cover is set out in the following summary of the situation on the Canadian Pacific lines:—

	Points.
40 cent rate.. . . .	430
41 " . . . . .	11
42 " . . . . .	10
43 " . . . . .	14
43½ " . . . . .	4
44 " . . . . .	11
44½ " . . . . .	4
45 " . . . . .	149
45½ " . . . . .	4
46 " . . . . .	7
46½ " . . . . .	1
47 " . . . . .	9
47½ " . . . . .	1
48 " . . . . .	13
48½ " . . . . .	4
49 " . . . . .	7
49½ " . . . . .	2
50 " . . . . .	4
51 " . . . . .	12

## SESSIONAL PAPER No. 20c

The board is asked to direct the through rates from the point of origin in the United States should not exceed the sum of the locals. While in particular cases, on particular facts, the board has given direction as to rates from points in the United States, it has in so-doing recognized that its jurisdiction did not extend over the lines located within the United States; and that its direction was a direction to the line or lines subject to its jurisdiction. It has specifically stated its lack of jurisdiction over the lines located in the United States.—*Continental Oil Co. et al. v. C.P.R. Co. et al.*, 13 Can. Ry. Cas. 161.

While the board has stated that a joint rate in excess of the sum of the locals is *prima facie* unreasonable, in *re* Joint Freight and Passenger Tariffs, 10 Can. Ry. Cos. 343, it follows from what has been stated that its jurisdiction as to such a situation is a jurisdiction over lines situated within its jurisdiction.

In the correspondence on file, the Canadian Pacific stated that it took up with the Northern Pacific and the Bellingham Bay and British Columbia Railway Company the question of reducing the through rates from Bellingham via Sumas, so that its through rates would not exceed the sum of the locals. It states, however, that it has not received any assent to this change so far as the American Railways are concerned, and that no reduction has been made.

Table "A" which sets out the applicant's contention, shows that with few exceptions he is paying a through rate in excess of the sum of the locals. But it so happens, as a result of the points to which the shipments are made, that there is an exceptional proportion of points included to which the through rates are in excess of the locals. He quotes 10 points of destination, but these may be grouped under four rates as follows: 44-cent rate, 2 points; 45-cent rate, 4 points; 48-cent rate, 2 points; and 51-cent rate, 2 points. While the 44, 48 and 51-cent points are concerned with 5 per cent of the points covered by the tariff, so far as the Canadian Pacific is concerned, they deal with three-fourths of the points covered by the present application. The 45-cent rate covers an important group including 20 per cent of the points of destination covered by the tariff. But while when the six shipping points in Washington are considered, it will be found that 34 per cent of the rate combinations show through rates less than the sum of the locals, in the present case the shipments are to points where this does not apply. It thus happens that in the present instance if one example each is taken of the 44-45-48-, and 51-cent rates, the sum of the locals is less than the through rate on the Bellingham movement. While considering all six shipping points from Washington, it appears that there are seventeen cases in which the through rate is greater than, one where it is equal to, and six where it is less than, the sum of the locals.

It is within the jurisdiction of the board to direct that a Canadian railway should not, as its division of a through rate, exceed its local. While the Sumas rate is spoken of as a local, it should be pointed out that it is in reality the through rate from Vancouver which has been worked out in connection with the shipment of lumber to grouped points in the Canadian Northwest. Sumas is not a saw-milling point, but since the movement from British Columbia is one from grouped points it has happened that Sumas is included. In strictness, the rate spoken of as a local is a through rate under a group rating system, which is concerned with the movement from grouped points in British Columbia to grouped points east of Laggan.

If the board were concerned simply with a movement from Bellingham via Sumas, it might, notwithstanding the nature of the Vancouver rate which is applied to Sumas, be justified in directing the rearrangement asked for. But the matter must be looked at in a wider way. While the initial groups in Washington are outside the board's jurisdiction it has jurisdiction as to the consuming groups in Canada, and must take cognizance of how the rate situation affects them.

5 GEORGE V., A. 1915

Further analysis of what is set out in tabular form shows that taking a movement from Bellingham at each of the rates as set out in table "B" nine rates are lower than, one equal to, and nine higher than, the sum of the locals. But it appears, however, that while this situation exists as to Bellingham, which has a short haul on an American line, in the case of the other points of origin, as the length of the haul on the American line increases the number of cases where the sum of the locals is in excess of the through rate also increases. It is further to be noted that none of the shipments from Bellingham, as set out in the complaint, are to 40-cent rate points. This, which is a main line group, covers 63 per cent of the terminal points. In all the 40-cent rate points, the through rate is less than the sum of the locals. It does not appear proper to look at the situation from the standpoint of Bellingham alone.

If the board made an order that on a movement from Bellingham the Canadian Pacific should not, as its division of the through rate, exceed its local from Sumas, it does not appear what reason there would be for not making a similar order as to the movements from other points. On the movement from a large number of points, the through rate is now less than the sum of the locals; but if the direction is given that the local is the proper measure of reasonableness of a division of a through rate as affecting one portion of the group, would not the same rule apply in the other cases where in the working out of the group principle a division lower than the local accrues to the railway? Otherwise it would mean that under a group arrangement, every point which has an advantage in point of distance should be taken out of the group and put on a distance basis.

On the basis of the figures presented in table "B" there may be a movement from any one of the six points of origin therein set out to any one of the 697 points of destination; that is to say, at the rates quoted, 4182 such movements are possible. Further, there has been set out the number of points of destination covered by each rate quoted. If, then, this detail is checked, it will be found that to apply the sum of the locals as the measure of what is reasonable as to through rates would in 8 per cent of the possible movements result in advancing the rate.

The situation presents some anomalies. But if one looks at the matter from the standpoint of distance, anomalies are inseparable from any group arrangement. The question that has to be asked is whether, from the standpoint of the marketing of the product, the anomalies are not unreasonable. A group rate arrangement endeavours to average distance and public convenience. If each point of a group is to be singled out for special treatment on a mileage basis, then the group disappears and the points with the shortest mileage get an advantage in marketing. But it has been recognized that in the case of bulky articles of general demand, it is in the public interest to equalize, within reasonable limits, distance so that there may be as large a supply as possible in the consuming market. Grouping in this case is concerned with the handling of lumber from common sources of supply for sale in a widely extended market. The initial portion of the group arrangement is outside of Canada. The rate from the time the product enters Canada is part of the grouping arrangement under which the lumber is hauled to points east of Laganan. The rate must be looked at from this standpoint, not from that of mere distance.

Looking at the matter in so far as the record is before us, it appears that while in some cases there are through rates in excess of the locals, in more than three-fourths of the possible rate movements the contrary holds good. A rearrangement as to one portion of a group leads to rearrangements at other portions. The board cannot lightly interfere with a grouping arrangement simply on a presentation as to one portion of the arrangement.

Upon full consideration of the subject, it does not appear justifiable to make the direction asked for.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

February 17, 1914.



SESSIONAL PAPER No. 20c

## RE EXPRESS RATES.

Chief Commissioner DRAYTON: Last autumn, under the provision of the Railway Act authorizing the board of its own motion to inquire into, hear, and determine any matter which under the Act it might inquire into, hear and determine upon application or complaint, I took up the question of express rates with the traffic department of the board. After a somewhat lengthy scrutiny it became apparent that data to which no exception could be taken indicated at least a *prima facie* case for a reduction of charges, and that question has been taken up with the Canadian Express Company, the Dominion Express Company, and the Canadian Northern Express Company, these companies doing practically the express business of the country.

The companies have, from time to time, made their representation, and have given every opportunity to show cause why reductions should not be made, and a general review having been made of the express situation, the question is now ripe for action by the board.

So far as the Canadian Express Company is concerned, which company carries on the bulk—in fact practically all—of its transactions in the east its President states that, owing to reductions in rates made by the board, either directly or indirectly, e.g., the compelling of greater service as a consequence of the extension of free collection and delivery zones, at many points, and increased expenses, net earnings are too low, and that if expenses go on increasing, the continued financial success of the Company is more or less doubtful. While it is true that expenses have materially increased and the ratio of earnings been considerably reduced, I look upon its condition as satisfactory, and think that a sufficient return is netted on its enterprise.

In view of the fact that this company's operations are practically confined to the east, it is of interest to follow up the result of the board's judgment with the increased service and expenses the company complains of.

I propose to accept unreservedly the findings of the Board in the previous investigation, which have been checked from every conceivable standpoint, and were the results of a very complete and thorough investigation extending over a period of some three years.

These findings, so far as the Canadian Express Company is concerned, show, that for a period of seven years, that is from 1902 to 1908, the company's gross revenue showed an average of \$1,655,024, and that the average net earnings during the same period amounted to \$218,262 or 13.1 per cent on the gross revenue, which amounted in all to \$11,655,971. During this period the revenue increased from \$1,314,400, in 1902 to \$1,909,024 in 1908.

The company's revenue, as shown by its last returns for the year ended June 30, 1912, amounted to \$3,065,424.80. Its returns as its balance for the year's operations \$188,970.11, which is paid over to the Grand Trunk Railway Company, its owner, and which represents a net profit. Had no reduction been made, and if the company's rates, expenses and practices had been as they were in 1908, the company's balance, instead of this sum, would have amounted to \$401,570.64 showing that upon the increased business the result has been a decrease in net profit from the former standard of \$212,600.53.

As the board, by its judgment in the general inquiry accepted as reasonable, subject to exceptions hereafter to be noted, the existing predominating scale of charges in use in Eastern Canada, I was unable to understand the great falling-off of profits shown by the company's statement of 1912, and requisitioned, for the purpose of ascertaining the necessary details of the business to check the statement, the last completed monthly analysis made by the company's general auditor. From it, it appears that the company's lessened profits are the result of increased expenses to a far greater extent than to reduced rates. I find, for example, that, for the period from January 1, 1912,

5 GEORGE V., A. 1915

to November 30, 1912, compared with the like period for the year 1911, the cost of Superintendents and route agents increased from \$36,466 to \$43,683.83, or 19.8 per cent.

Offices maintained by salary increased from \$220,227.81 to \$282,378.80, an increase of 28.2 per cent.

The wages of wagon drivers and helpers increased from \$109,048.08 to \$140,008.90, an increase of 28.4 per cent.

Office supplies and expenses increased from \$22,343.68 to \$39,285.48, an increase of 75.8 per cent.

Rent of local offices increased from \$30,811.16 to \$36,007.98, an increase of 16.8 per cent.

The cost of stable employees increased from \$8,191.50 to \$11,736.83, an increase of 43.2 per cent.

Stable expenses increased from \$69,677.38 to \$98,417.94, an increase of 41.2 per cent.

Messengers and supplies increased from \$113,776.83 to \$143,183.38, an increase of 25.8 per cent.

Transfer point salaries were increased from \$24,424.20 to \$29,274.13, an increase of 19.8 per cent.

Stationery and printing expenses increased from \$24,470.02 to \$35,731.60, an increase of 46 per cent.

Money paid for loss and damage increased from \$26,086.43 to \$40,038.73, an increase of 53.5 per cent.

Coming to the executive and head office; no increase has been made in the salaries of the general officers, an economy having been made here in the small sum of \$277.76.

The wages of clerks, however, have been increased by \$9,859.38; to-day's clerical wage being \$43,562.43 as against \$33,703.05 in 1911.

During the same period of time there was, of course, an increase in the total receipts. The gross receipts rising from \$2,582,208.97 to \$2,999,439.10, an increase of 16.1 per cent.

No increased proportion was paid to the railway company for express privileges, another manner in which the account could have been unduly influenced; but, as a matter of fact, the percentage of increase is somewhat lower, the payment of \$1,271,072.41 rising to \$1,415,638.60, an increase of 11.3 per cent, a smaller percentage than the gain in gross receipts. The result is to allow a different percentage in growth on the total operating revenue, which was for this eleventh month period in 1911, \$1,311,136.56, and in 1912, \$1,583,800.50 an increase of 20.7 per cent.

The total expenses chargeable to operating revenue for the eleven month period amounted to \$1,080,810.46 in 1911, and \$1,368,223.36 in 1912, an increase on the whole of 26.6 per cent.

The result of it all is to show that the company's net profit is further decreasing, the increased expenses amounting to \$287,412.90, as against an increase in operating revenue of \$272,633.94, to which must be added \$1,607.30 for increase in taxation.

Some particular items of increase in the account do not have any particular significance, and may be, and probably are, peculiar to the year; but in the summation of the whole, it is significant that, with an addition of \$272,663.94 of new business there is not a net decrease in profits of \$16,356.26.

The details of the company's business, therefore, seem entirely to corroborate its official return.

So far as the reduction in rates are concerned, while no general reduction has taken place in Eastern Canada, some were brought about in particular cases by orders which I find have been made by the board in addition to the carrying into effect of its general judgment. The Express Freight Classification was revised, and its rules and

## SESSIONAL PAPER No. 20c

regulations were greatly simplified in the interests of the shipper. The table of so-called "graduated" charges for shipments of less than 100 pounds, was extended so as to provide specific charges for such shipments under certain head-line rates of the general merchandise tariff previously omitted, and for the omitted 6-, 8-, and 9-pound shipments; the former custom being to charge under the next higher rate, or for the next greater weight. For example: Merchandise rates of \$5.25, \$5.50, and \$5.75 per 100 pounds were added, so that all small shipments so entitled have now their appropriate charges under these rates, instead of under \$6 as formerly.

The board also prescribed a new form of shipping receipt which extended the liability of the companies by eliminating the qualification of "owner's risk," which was contained in the former classification. This change probably accounts, in some measure at least, for the increase of 53.5 per cent in sums paid by the Canadian Express Company to shippers for loss and damage in transit, and in like measure is an index of the advantage to the shipper of the elimination from the classification of the provisions limiting the companies' liability in respect of loss and damage claims.

The board also, on the 21st day of August, 1911, reduced the cream rates in Eastern Ontario.

On the 10th day of January, 1912, the winter rates to Prince Edward Island from points in Ontario, Quebec, New Brunswick and Nova Scotia were reduced, the reductions ranging from 25 to 50 cents per 100 pounds.

The board on the 8th day of November, 1911, ordered the application of a single "graduate" charge on traffic moving over the lines of two or more express companies, the effect of the order being to give a considerable reduction to the shipper. For example: a package of 20 pounds over two express lines, is now charged from New Glasgow to Mattawa, \$1.30 instead of \$1.60 from Grand Mère to Port Dover, 90 cents instead of \$1.05.

The board also, on the 2nd day of March, 1912, made a material reduction in the rates on daily newspapers.

On the other hand, certain increases resulted from the board's judgment. For example: the carriage of empties of a certain character free by the express companies, while others were charged varying rates, amounted to discrimination. The charges are now uniform for all empties and by weight, they are lower than some of the rates which, for certain classes of empties, had formerly been charged; but, of course, constitute an increase in so far as that class of empties is concerned that were formerly carried free. The companies, however, which formerly were at no responsibility for empties, became liable for them as in the case of any other shipments.

A further advance was caused by the establishment of the so-called measurement rule for the purpose of insuring to the companies a reasonable revenue on light and bulky goods, forwarded generally by millinery shippers after a full discussion in which the millinery shippers were represented.

Another advance resulted from the elimination of schedule "E" of the classification, which provided rates on large and continuous shipments by manufacturers, and which was considered by the board to constitute a discrimination against the small shippers.

In addition to these orders, the board has, from time to time, enlarged the free collection and delivery limits at different points, which necessarily results in additional equipment and expense to the companies.

The result of it all, in my view, is that, while there has been no general reduction in Eastern Canada, reductions have been made through a more generous classification and "graduate" scale, increased carrying liability on the express companies, the specific reductions noted, and extension of free collection and delivery limits, which by increasing the service is equivalent to a reduction in the rate. The effect of these changed conditions could not be estimated in any manner, and can be approximately



reflected only by the subsequent results obtained by the companies. In my opinion, however, such reductions are perhaps not sufficient to have been appreciated by the average shipper using the express facility.

My difficulty in making any order directing a reduction to-day is entirely owing to changed conditions resulting, as pointed out, from a somewhat extended and bettered service, but much more largely owing to the increased cost of carrying on the business; and also to the statement made by the Honorable the Postmaster General of his intention to institute a parcels post system in Canada, to which a more extended reference is hereafter made.

The net results to the Canadian Express Company, that I take as a fair illustration of express conditions in Eastern Canada, shows that from a net return on the gross revenue of 13.1 per cent, as ascertained by the Board in its former investigation, the net return on a much larger turnover to-day has dropped to 6.09 per cent. I do not say that this much smaller figure is to be looked upon or adopted by the board as only a reasonable compensation, but I hesitate to make any drastic order applying to Eastern Canada in the face of this increasing ratio of expense, and the proposed introduction of the parcels post.

The full effect of the board's orders cannot be properly estimated by the actual results, and the matter of rates in Eastern Canada generally, I think, should stand until the board has had the opportunity of seeing exactly the effect upon the express business. Overcharges from time to time take place, and specific complaints based on different grounds will undoubtedly arise that may require an immediate action. These can be dealt with as occasion requires, a course contemplated in the former judgment being as follows:—

“Certain rates are asked for upon various commodities from different points, but these are not dealt with, as it is considered that the better course to pursue is to await the general revision and re-alignment that must follow these findings, when, if a more satisfactory situation is not brought about, complaints which have not been dealt with categorically, or solved in the general result, will be further considered.”

A very different aspect is presented by the express business in the west.

The Canadian Northern Express Company carries on its business almost entirely in the prairie provinces, the figures supplied by Mr. Hanna of last year's operations, showing that, out of gross earnings of \$778,642.28, only \$93,466.42 is represented by business east of Port Arthur.

In 1908, Mr. Justice Mabey found that during the seven-year period, the net earnings of the company were 25.5 per cent on gross revenue. It is to be observed, however, that on the business of the company of 1908, which forms part of the seven-year period, while the gross receipts amounted in that year to \$336,708, the net earnings were returned as \$57,432, which would amount only to 17.057 per cent, showing for that year, at least, a reduction of some 8½ per cent.

The company's return to the Government for the year ending June 30, 1912, shows that, on the business above stated, namely \$778,642.28, a balance is carried forward as profits of \$192,676.99, a return to the Company on its operations at the rate of 24.745 per cent. It is true that Mr. Hanna disputes the accuracy of these figures in that the railway company made no charge for officers, stations and platform spaces, etc., but the company's custom seems to have been exactly the same when its returns were under the board's scrutiny upon the last investigation.

It is to be noted that the board in its previous judgment, in the case of the Dominion Express company, found that during the seven-year period under review 3.6 per cent of the gross revenue was charged for station accommodation. As a matter of book-keeping it would be fair to make some allowance. I do not think, however, that it is necessary to go into the matter at length, and merely refer to it for the

## SESSIONAL PAPER No. 20c

purpose of showing that, in this regard, the figures supplied by the Canadian Northern Express Company, are, as contended by it, not accurate. This practice was common during both periods, and, therefore, comparison can be properly made disregarding it altogether.

While for the purpose of comparison a close adjustment of the account need not be made, the statement, if compiled on the usual basis of a charge of 50 per cent gross by the railway company, and as charged by the Intercolonial, would be as follows:—

Gross receipts. . . . .	\$776,642 28
Express privileges. . . . .	389,321 14
<hr/>	
Operating revenue. . . . .	\$359,321 14
Operating expenses. . . . .	276,411 07
<hr/>	
	\$112,910 07
Taxes. . . . .	6,897 61
<hr/>	
	\$106,012 46

The statement, even as amended, makes an extraordinary good return on a business of \$776,642.28, as compared with earnings of \$188,970.11, on a business of \$3,065,424.80 for the same period, of the Canadian Express Company.

The Dominion Express Company also obtains more of its earnings in the west, although it does a considerably larger business in the east than the Canadian Northern Express Company. For the period under review in the last inquiry, it was shown that the company's gross receipts amounted to \$21,475,694, increasing from \$1,529,198, in 1901, to \$3,743,560 in 1908; and that during this period the net earnings amounted to 16.9 per cent on this revenue. The company's gross revenue from all sources, including its financial branch and transatlantic traffic, for the year ending June 30, 1912, as returned to the Department, shows \$6,180,955, with a net revenue to the company of \$642,898.94, available for property renewals, which are placed in the report at \$80,000, dividends and like charges. The result, in this instance, is to show a reduction in the percentage of profit; which, however, is still much greater than that obtained in the eastern territory by the Canadian Express Company.

In my view, it is not necessary to pursue this question to a finality. The broad results as outlined are, I think, entirely sufficient.

There has always been a difference in the scale of charges between the eastern part of Canada and the West. Mr. Justice Mabee's judgment provides that the basis of the scale for Eastern Canada shall not exceed \$3, for the Prairie section \$5, and for the Mountain section \$6 per 100 pounds, for 900-1,000 mile group.

The companies claim that the cost of doing business in the west is greater, and the density of traffic less than in the east. The actual results of operation would seem to show that undue effect has been given to these considerations and to demand a readjustment.

However economic conditions presented by other aspects of the railway situation—in view of water competition and the like—may control the board's action, it is obvious that such considerations can apply to an express service with but little force. The express service is entirely different from that of freight. The basis of rates, as well as the demands of the public, stand upon a different footing. Water competition certainly cannot be said to influence in any way a service, the essential of which is speed; nor is the express service influenced in nearly the same degree by the question of competitive points. In my view, the express rates charged by the different companies in the prairie provinces and British Columbia are unreasonable. While it was hoped that the directions contained in the board's general judgment would naturally improve the situation, the result shows that no appreciable reduction seems

5 GEORGE V., A. 1915

to have been secured. Reductions that have been made, and they are many, as shown by the companies' tariffs are reductions which but little affect the manner in which the bulk of the traffic is moving; or are, perhaps, compensated by additions which have been made to the rates, presumably in the levelling process, in establishing a mileage basis of standard rates as provided by the judgment.

I do not think that the former judgment of the board as to the minimum charge should be interfered with. A charge of 25 cents, with the duty of free collection, as well as free delivery, at a large number of points, should not, at the present time, be disturbed; but I am of the opinion that an approximately average reduction of 20 per cent should be made by the companies in the standard maximum tariffs for traffic classified as "merchandise," to apply only to the Prairie Provinces and British Columbia, the appropriate charges of the "graduate" scale, as revised by the board, and those of scales "M" and "K" (food stuffs, ale, beer, mineral waters, etc.) to apply to the rates so reduced.

Both Mr. Hanna of the Canadian Northern and Mr. Stout of the Dominion Express urged very strongly that the proposal of a 20 per cent reduction was entirely too radical, not called for by the returns and conditions of business, and unduly oppressive on their companies. In my view, no smaller reduction should be considered. The express business is a matter of railway operation in this country; and the capitalizations and bonded indebtedness of the different express companies have been created under such circumstances as to require no consideration in striking a rate. I can add nothing useful to what the late Chief Commissioner, under this head, said in his exhaustive judgment. The test of the rate is largely its reasonableness in view of the service supplied, and in directing the reduction now made by this judgment, the board, I think, would be but adopting a rate basis, at the present time, and in the light of the different aspects of revenue and operation now presented, certainly as reasonable from the standpoint of the carrier as from that of the shipper.

It should be borne in mind that the effect of any reduction on gross receipts produces very much greater results on net returns. For example, the receipts from all sources of the Dominion Express Co., amounting to \$6,180,956, and resulting in a net revenue of \$643,886.94 shows that out of each dollar earned that company has to spend 89.6 cents, leaving a profit of 10.4 cents resulting from each dollar's worth of business done. With expenses at such a large ratio it is plain that any reduction that would be made must appear small to the occasional shipper of the smaller parcels.

It is impossible to determine with exactness the effect that the reduction will make on the earnings of the express companies, the reduction varying with the weight of the different parcels sent day by day, and the distance that they are carried. The task of checking the business for the whole year, parcel by parcel, is almost impossible. Figures, however, have been taken out showing the actual transaction for one day (September 18) which were thought to be characteristic of the general run of business, or unaccompanied, perhaps, by any special movement or circumstance.

The results show that the Dominion Express Company received on shipments from points between Sudbury, Canmore, and Crowsnest to points in the same section (the Prairie section) \$1,337.43, on shipments from points between Canmore, Crowsnest, and Vancouver to points in the same section (the Mountain section) \$844.90, on shipments from points in the Prairie Section to points in the Mountain Section, \$500.61, and on shipments from points in the Mountain Section to points in the Prairie section, \$184.12, making a total for the day of \$5,937.06. Taking 313 working days as constituting the business year, the business in the territory in which the reduction is now ordered, would, on this basis, amount to \$1,852,362.72, a direct reduction of twenty per cent on the charges based on this gross sum would amount to \$370,473. Applying a reduction of 20 per cent on the standard maximum tariffs for traffic classified as "merchandise", and the tolls of the "graduate" table and scales "M" and "K" appropriate to the "merchandise" rates so reduced, and



## SESSIONAL PAPER No. 20c

worked out on each shipment of the particular day whose business was analyzed, the decrease effected amounts to \$227,317. These figures are merely illustrative and will vary in proportion with the ratio that the business of September 18, is above or below the general average, and whether shipments of that day were of an average character and profit. The company, however, cannot object to their use, that day, in the opinion of its president, being unaccompanied with any special movement or circumstance, and the figures were, in the first instance, prepared by the company's officials, and then checked by Mr. Hardwell, the board's chief traffic expert.

Subject to these qualifications, the result on the business for the year 1912 is that the balance of the company's earnings from all sources in Eastern Canada, as well as in the West, amounting to \$642,888.94, would be reduced to \$415,571.94, a reduction of 35.36 per cent. If applied to the profits resulting from the western business alone, the percentage of reduction in profits would be much larger. It is, also, but fair to say that the figures do not include reductions that will follow as a result of this judgment on through shipments from points in Eastern Canada to points in Western Canada, and *vice versa*, reductions in which the east is interested as well as the west.

The operation of the parcel post will have a direct effect on the earnings of the express companies over the whole country. That post will probably handle parcels of eleven pounds weight and under. A comparatively large part of the merchandise traffic of the express companies consists of parcels of such a character. I have not a return showing the complete business of any of the companies giving the traffic in such parcels, none of them keeping such data. Taking, however, September 18 as an example, the receipts of the Dominion Express Company for the carriage of parcels of 11 pounds or under, amounted to \$1,564.18 out of a total of \$5,937.06 on business originating in and consigned to points in Western Canada, or for the year, \$188,024.16, out of \$1,852,362.72.

The figures given by counsel for the express companies in the rehearing of the Express Companies Rates Case before the Interstate Commerce Commission may be referred to as more or less accurately showing the effect of the parcels post system on express companies. Figures were given showing the business of five of the large American companies for January and February, 1912, contrasting the business of those months with the corresponding months of 1913 when the parcels post system was in operation. These figures show a percentage of decrease in the revenue the companies derived from parcels of 11 pounds weight and under of 16.56 per cent for January, and 25.37 per cent for February. The companies apparently claim that the parcels post business is increasing, and that its increase, as shown by the February returns, more nearly approaches what the total loss to the express companies will be.

If I am to assume for the moment the correctness of these figures as applied in their proper ratios to the Canadian business the result of the adoption of the parcels post will entail a reduction over the whole country, of something like 4½ per cent on the total merchandise earnings of the express companies.

It is impossible, at the present time, to estimate the effect of parcels post in Canada. The difference of conditions in Canada may produce either greater or less losses to the business of the express companies. Reference is made to them merely to show the impossibility of now making any close analysis for future rates with a new factor, the result of which is unknown. The figures of the American companies, however, seem to justify the express companies in the fear that the adoption of the system in Canada will work a serious loss to them. Until this unknown quantity is ascertained, the results of the express companies' business and figures before me would not justify any further reduction than that now ordered.

In order to work out the base rate reduction of 20 per cent to a finality, some thirty-five or more new columns of rates would have to be added

5 GEORGE V., A. 1915

to the "graduate" scale. This would make the scale inconvenient for the rapid reference more or less inseparable from the express business, and would lend itself to inaccuracies. The exact result on the companies' revenue would also be difficult to determine. On the other hand, the system of charging for small parcels under the next higher per 100 pounds "merchandise" rate, when the "graduate" scale does not provide the appropriate charge, has its objections. I had hope to prescribe complete new schedule, which, while making a fair allowance for the constant cost of handling all shipments, no matter what their weight, would more fairly distribute the cost as between small and large shipments, but this I find at present difficult to do. Tariff-making is, after all, the business of the companies, and they have the further advantage of that intimate knowledge of their own conditions which regulating commissions lack. The companies are, therefore, required to submit new tariffs making a reduction of 20 per cent in the Prairie and Mountain sections from the present standard maximum tariffs on freight classified as "merchandise", carrying with it the appropriate reduction in the "graduate" table scale "K" and "M" and the special scale for single shipments of 500 pounds or over. I am advised by the board's traffic expert that the preparations of the new tariffs will take some time, and the express companies must proceed without delay, so as to insure the publication and filing of the new tariffs so that they will come into force on or before the 15th day of July next. This allows a reasonable time for this work in Mr. Hardwell's opinion.

The board's order will further provide that the basis of the standard maximum "merchandise" tariffs shall not exceed \$4 per 100 pounds in place of \$5 for the Prairie section, and \$4.75 per 100 pounds in place of \$6 for the Mountain section for 900-1000 mile group.

Assistant Chief Commissioner Scott and Commissioners Mills, McLean and Good-eve concurred.

Order in accordance with judgment issued.

April 22, 1913.

#### RE EXPRESS RATES.

Complaint was made to the board by Mr. J. G. Simmie of McConnell, Man., that the Canadian Northern Express Company charged higher rates between McConnell and Winnipeg than those charged by the Dominion Express Company for similar or greater distances between Hamiota, Strathclair, and Winnipeg.

The case was set down for the Winnipeg sittings, held November 11, 1912. No one appeared for the complainant, but the matter was taken up with the Canadian Northern Express Company. It developed that the rates charged by the Canadian Northern Express Company were higher than those charged by the Dominion Express Company, although within the maximum rates prescribed by the judgment of the board in the general express inquiry.

As the board was at the time considering the whole express situation, no judgment dealing with this particular matter was delivered. As a result, however, of the board's recent judgment, the discrimination will disappear. The new rates under the Express Judgment going into force the 15th July, 1913, giving a rate on butter and eggs on the Canadian Northern of \$1.20 per 100 pounds from the points in question, carrying with it the appropriate lower tolls of the "graduate" table for small shipments.

#### RE THE CONSIDERATION OF EXPRESS RATES ON CREAM AND TERMS AND CONDITIONS IN CONNECTION.

MR. COMMISSIONER McLEAN: Under date of October 16, 1912, the applicant wrote stating that Mr. P. Pallesen of Calgary desired to protest against the terms of the board's order No. 17384. No particulars as to the points complained of were supplied in his letter and so the applicant was advised under date of October 21, that an application should be made out setting forth the reasons why a rehearing was asked. The matter

## SESSIONAL PAPER No. 20c

was at the same time set down for hearing at Calgary on November 25. On November 12 a communication was received at Ottawa from the applicant setting out certain increased rates complained of. Under date of November 15 Mr. Pallesen was advised to send a copy of the complaint to Mr. W. H. Burr of the Dominion Express Company. On the same date a telegram was received from Mr. Burr asking for particulars of the complaint. When the sitting took place at Calgary it was found that the particulars had not been supplied to the express company. A direction was given at the hearing that the applicants should supply to the board a statement of the particulars as referred to at the hearing and that a copy should also be supplied by them to the express company which was to send in its answer after the particulars had been considered by it. The particulars were supplied to the board; but no communication by way of answer having been received from the express company it developed in a letter from Mr. Riley, dated February 14th, 1913, in reply to a query of the board, that the direction as to supplying particulars to the express company had been overlooked.

It not being feasible for the board to supply to the express company a complete copy of the detailed particulars which had been supplied to the board extracts, which the board deemed representative, were now made and forwarded to the express company for its comments which were duly received.

This outline of the time necessary to get the parties to grips in regard to the matters at issue has been given because it is an elementary consideration that a statement of claim is the foundation of a complaint. No matter how simple and non-technical its wording may be—and the board has never allowed any technicality to defeat the hearing of a complaint—it is readily apparent that a simple statement of the case at issue should be supplied at the outset both to the board and to the railway or express company against which the complaint is directed.

It is to state a commonplace, at times disregarded by applicants, when it is stated that to deal with complaint and decide it, the board must hear the other side. If the other side has no information as to what it has to meet then the plunging into the middle of things makes for delay, not for expedition. The board desires to proceed with expedition it cannot proceed by intuition.

The reasons which led to the issuance of the Board's orders 17384 and 17492 are fully set out in the judgment of the board in its decision of July 23, 1912, in the matter of the special local tariff of Dominion and Canadian Northern Express Companies applicable on cream between points in the provinces of Saskatchewan, Alberta, and Manitoba, and Ontario west of Port Arthur, on distances not exceeding 300 miles made effective on November 1, 1911, which was suspended by the board on October 27, 1911.

The effect of the decision in question was to put in force west of Port Arthur up to the Western Boundary of Alberta the same rates on cream as had been put in force by the board east of Port Arthur.

The statistical details furnished by the Carlyle Dairy Company of Calgary, the Edmonton City Dairy Company, Limited, of Edmonton, and the Central Creamery of Calgary, operated by Mr. P. Pallesen, give in the case of the Carlyle Dairy Company a statement of the shipments in the period from January to October, 1912. This sets out the mileage for each point, the charges under the present rates, and the charges under the old rates. Mr. Pallesen's statement of particulars cover the shipments for one month only, viz., August, 1912. While giving the total number of cans shipped by days and the differences between the old and the new rates, it does not give the points of shipment or mileages. The statement supplied by the Edmonton City Dairy gives for the month of July, 1912, the shipments, points of shipment and the distances and comparison of the old and new rates.

It is the increase in rates which is complained of. The board in its judgment already referred to, sets out the necessity for uniformity of rate as between "sweet" and "sour" cream irrespective of use. What is said there is equally applicable here.



Mr. Prevey of the Edmonton City Dairy complains of the rates as being on a higher basis than in the east. He is in error here as the basis is the same. He complains also that the rates are higher than exist in the United States. The board has already dealt with this method of comparison in the decision already referred to and the course of reasoning applied there must apply here. Rates as arrived at in the United States are not criteria of reasonable rates in Canada unless the circumstances in both cases are on all fours.

*Re charge for returned empties.*

Mr. Prevey of the Edmonton Dairy stated that there was no advantage in this arrangement to the shipper because there was no redress where the returned empties were lost. He stated:

"We would further object to the charge of five cents per can being levied against us for the return of empties as we claim we are not in any way benefited by this charge. In fact at the present time, we feel that we are placed to considerable expense on account of the imposing of this charge in addition to the charge. We are at present expected to fill in a prepaid slip indicating the number of cans and to whom shipped, and to the station shipped to. This requires several minutes work on our part before delivery of our cans to the station. At the station, we are required to deliver the cans much earlier, that is, we have to deliver them at the station in advance of the departing of the train from thirty minutes to one and a half hours in order to give the express messenger an opportunity of checking over these cans, but under the present system, we do not receive results for these cans, and if there are any cans lost, we are as helpless to receive compensation for same as under the old system, when we simply loaded all the cans into the express, and they were thrown off at the different stations."

However it would appear that the company does not dispute its liability for Mr. Burr in his letter of January 28, in commenting on this statement of Mr. Prevey said:—

"It was stated by Mr. Prevey of Edmonton that no receipts were given for empty cans and that there was no redress in case cans were lost. Upon taking this matter up with our people in the west, I am advised that the shippers list the cans on prepay slips and the cans are checked and waybilled from those forms, which are signed by the Company's agents and retained by the shippers, and as the shipments are waybilled there would be no difficulty at any time to trace any shipment that was claimed to have been lost. This practice seems to have been satisfactory to the shippers.

Our Superintendent reports that no claims have been entered by Mr. Prevey in connection with lost cans. If there had been, they would have received prompt attention. No complaints had been received on this score up to the time it was mentioned at the hearing. Our Superintendent spoke to Mr. Prevey about it and he now appears to be satisfied."

In the rate computations to be referred to shortly the charge of 5 cents per returned empty is included in the computation as an increase of the rate. The question of returned empties was gone into in the judgment in the General Express Investigation, and the reasons for authorizing a charge for returned empties will be found set out at page 58 thereof. The charge for the returned empty is a charge for a service distinct from that of handling the incoming package and the existence of this charge is justifiable.

## SESSIONAL PAPER No. 20c

*Increased Rates.*

The statement as to the increased burden under the new rates as compared with the old rates is set out in the following tabular summary:—

Dairy.	New Rates.	Old Rates.	Period.
Carlyle... ..	\$4,133 45	\$2,024 21	Jan-Oct., 1912
Central Creamery... ..	821 25	467 79	August, 1912
Edmonton City Dairy ..	3,834 92	2,716 29	July, 1912

For purposes of further analysis there should for the reason already given be deducted from the amounts of the new rates the charge for returned empties. Then again consideration must be taken of the fact that whereas under the old tariff sweet cream had a higher rate than cream for butter making purposes, under the equalizations of the tariff cognizance must be taken both of the increases in the rate of cream for butter making and the decreases on the sweet cream not so limited as to purpose. Mr. Carlyle in submitting his summary of increased rates says, "the old rate has been figured on sour cream basis. Sweet cream would not be more than 25 per cent of the total." It may be noted in passing the express companies in Manitoba made calculations on the basis of 20 per cent sweet cream for domestic purposes and the balance for butter making.

While cream is not carried by freight a comparison between the first-class rate and the express rate as charged has a bearing on the rates complained of. The express rate is on a basis of an 8-gallon can; Calgary rates being exclusive of cartage, in the comparisons set out hereunder, 5 cents per can is deducted from the express rates as representing wagon service.

*Western Cream Express Rates.*

8-gallons cans.

To Calgary.	Miles.	First-class freight per can.	Express per can.	Minimum one can freight.	Express.
Innisfail.....	77	35	36	35	36
Penhold.....	86	37	36	37	36
Carstairs.....	41	27	26	35	26
Bowden.....	69	33	31	35	31
Dalroy.....	33	24	26	35	26
De Winton.....	19	15	20	35	25
Blackfalds.....	107	37	46	37	46
Airdrie.....	21	18	20	35	25
Okotoks.....	23	21	26	35	26
Midnapore.....	11	14	20	35	25
Erskine.....	157	51	56	51	56
Olds.....	58	29	31	35	31
Didsbury.....	48	27	26	35	26
Red Deer.....	95	37	36	37	36
Acme.....	62	31	31	35	31
Crossfield.....	31	21	26	35	26
Cochrane.....	23	18	20	35	25

The details given in the statement of Messrs. Carlyle and Prevey permit the can-miles to be computed. The statement of the Central Creamery does not enable this to be computed. Taking the can-miles and striking the average, it is found that the average haul of the Carlyle Dairy is 65.5 miles, while in the case of the Edmonton City Dairy the average hauls are by the Dominion Express 55.3 miles, the Canadian Express 94.4 miles, and by the Canadian Northern Express 76.3 miles.

5 GEORGE V., A. 1915

The figures supplied by the Carlyle Dairy may be taken for the purpose of analyzing the increases complained of. While they do not cover as large a total of cans as the Edmonton Dairy, judging by the month's figures supplied by that company, they have the advantage of covering a period of ten months which tends to give a more characteristic statement as seasonal fluctuations are offset one against another. In point of average mileage there is but little difference, the average haul of the Calgary Dairy being 66.5 while the combined average haul of the three express companies serving the Edmonton City Dairy is 72.8 miles. As it is complained by the applicants that the burden of rates is too heavy on the shorter as compared with the longer haul it follows that it is not unfair to take the Carlyle Dairy with its average haul as putting the matter in its most extreme form. While percentage comparisons are apt to be fallacious, unless on the same base, it may be noted that in the increase of the present rate over old rate there appears on the figures furnished an increase of 78 per cent for the Carlyle Dairy, 75 per cent for the Central Dairy and 38 per cent for the Edmonton Dairy.

For the month of October, 1912, the shipments and mileages of the Carlyle Dairy were as follows:—

Month.	Station.	Mileage.	Cans.
October...	Immisfail...	77	368
"	Penhold...	85	77
"	Carstairs...	41	38
"	Bowden...	69	52
"	Dalroy...	34	16
"	DeWinton...	19	5
"	Blackfalds...	107	9
"	Airdrie...	20	12
"	Okotoks...	28	3
"	Midnapore...	10	6
"	Erskine...	160	3
"	Olds...	68	27
"	Didsbury...	48	18
"	Red Deer...	94	65
"	Acme...	69	92
"	Crossfield...	30	5
"	Cochrane...	23	33

829

The details given for the seventeen points covered by this table are characteristic of the shipments from these points cover 99.7 per cent of the shipments during the ten month period under consideration.

While the total charges under the new rates are given as \$4,133.45, there must be deducted, if comparison is to be made on the basis of inward rates, the charges on the returned empties.

Then again the difference between the former rate on "sweet" cream—cream for domestic use—and "sour" cream—cream for butter making—and the present rate as computed, must be considered. As October is a characteristic month the computations made on the basis of this month will be characteristic. Of the 829 cans shipped in October, one fourth would, on Mr. Carlyle's statement, have taken the sweet cream rate. The revised computations as to comparative earnings are set out in the following table:—



## SESSIONAL PAPER No. 20c

To Calgary.	"Sweet Cream."					"Sour" Cream, i.e., Cream for Butter Making.					
	No. of cans on basis of 25 p.c.	Old rate per can.	Total of old rate.	Total of new rate.	Reduc- tion.	No. of cans on basis of 3/4.	Old rate per can.	New rate per can.	Total cost old rate.	Total cost new rate.	Increase.
		cts.	\$ cts.	\$ cts.	\$ cts.		cts.	cts.	\$ cts.	\$ cts.	\$ cts.
Innisfail .....	92	96	88 32	37 72	50 60	276	26	41	71 76	113 16	41 40
Penhold .....	19	96	18 24	7 79	10 45	58	23	41	16 24	23 78	7 54
Carstairs .....	9	57 6	5 19	2 17	2 48	29	20	31	5 80	8 99	3 19
Bowden .....	13	76 8	9 90	4 68	5 31	39	24	36	9 36	14 04	4 68
Delroy .....	4	57 6	2 31	1 24	1 07	12	20	31	2 40	3 72	1 32
DeWinton .....	1	38 4	39	25	14	4	19	25	76	1 00	24
Blackfelds .....	2	115 2	2 31	1 02	1 29	7	34	51	2 38	3 57	1 19
Airdrie .....	3	38 4	1 16	75	41	9	19	25	1 71	2 25	54
Okotoks .....	1	57 6	58	31	27	2	20	31	40	62	22
Midnapore .....	1	38 4	39	25	14	5	18	25	90	1 25	35
Erskine .....	1	134 4	1 35	61	74	2	46	61	92	1 22	30
Olds .....	7	76 8	5 38	2 52	2 86	20	24	36	4 80	7 20	2 40
Didsbury .....	4	57 6	2 31	1 24	1 07	14	20	31	2 80	4 34	1 54
Red Deer .....	16	96	15 36	6 56	8 80	49	30	41	14 70	20 09	5 39
Acme .....	23	76 8	17 67	8 28	9 39	69	24	36	16 58	24 84	8 26
Crossfield .....	1	57 6	58	31	27	4	20	31	80	1 24	44
Cochrane .....	8	38 4	3 08	2 00	1 08	25	19	25	4 75	6 25	1 50
	205	174 61	.....	78 24	96 37	624	....	.....	157 06	237 56	80 50

To summarize the following comparisons of the payments necessary for the inward movement may be made:—

New rate as given .....	\$4,133 45
Returned empties 9,858 at 5 cents .....	492 90
Net inward charge .....	\$3,640 35
Old rates (corrected as above indicated) —	
Three quarters of 9,858 cans "sour" cream rates .....	\$1,818 15
One quarter of 9,858 cans at "sweet" cream rates .....	2,116 92
Equal to $\frac{2464}{205} \times \$176.41$ .....	\$3,935 07

That is to say the old rates on corrected basis are higher than the new rates by \$294.72.

The rates may be compared in terms of can-miles. The total movement of the Carlyle Dairy for the period under review amounts to 655,342 can-miles. On these the net earnings are \$3,640.35, that is to say on the new rates inward the earnings were 5.5 cents per can-mile. On the old (corrected) rate basis inward the earnings would have amounted to 6.004 cents per can-mile.

After careful consideration of the evidence submitted I am of the opinion that the Order of the board should not be varied so far as the rate basis is concerned.

*Rates exclusive of Delivery Service.*

There is also raised in the complaint the question of rates for delivery service, it being contended that the delivery service instead of being an advantage to the dealers is a detriment because of its uncertainties. In the hearing leading up to the determination as to cream rates east of Port Arthur, which the board has followed west thereof to the western boundary of Alberta, it was found in the course of the hearing that while there was some difference of opinion the majority of those concerned considered it was a distinct advantage to have the delivery service and so it was continued. The provision in connection therewith was made general because it was recognized

5 GEORGE V., A. 1915

that it would be unfair to leave the situation open by providing that the payment for delivery should be left as a payment dependent on whether the service was performed or not. For it was recognized that if at times the shipper performed his own delivery service, thereby being exempt from payment, while at other times he called upon the express company to deliver in return for a payment, it would result in the condition that the express company would be called upon simply in the case of the "peak load," or of especially long hauls. The result of this would be that the express company would require to maintain delivery wagons sufficient to meet a "peak load" situation which would not necessarily be subject to any law of periodicity. The result of this would be that an unnecessary burden of idle equipment would during a considerable portion of the time, have to be maintained. In addition as this would be part of the plant, the cost of its maintenance would be charged against all users of express service. And so in respect of the delivery service of cream it seemed fair to follow the principle "all or none."

In the case before us the situation is different. The applicants assert their willingness to perform their own delivery service and under proper provisions this may be provided for. I am therefore of opinion that the matter will be provided for by substitution of the following rules for those now included in the tariff, the present tariff rates being reduced by 5 cents per can by making them exclusive of delivery.

1. Returned empty cans, which are carried full by this company under this tariff, will be charged at the rate of 5 cents each to the original point of shipment.

2. The rates shown herein include the collection of full or empty cans at points where the company furnishes a wagon service, but do not include delivery.

3. The consignee may give the company's local agent a written general or continuing notice that until such notice is withdrawn (which shall not be within one month from the date thereof) he desires all his cream delivered by the company's wagons; and on receipt of such notice, and until its withdrawal, the company will furnish the service at an additional charge of 5 cents per can.

NOTE.—Agent will preserve such notices in his possession for reference, and, if withdrawn, for at least one year thereafter.

4. No reduction from these rates will be made for smaller or partially filled cans.

5. Two 5-gallon cans will not be carried at the rate for a 10-gallon can.

6. Between common points where a competing company may have a shorter line, this company's rates will be based upon the shorter distance.

In addition applicants are to have the advantage of the extension of the existing rates to a distance of four hundred miles instead of three hundred miles as the tariff now reads.

Chief Commissioner Drayton concurred.

Ordered accordingly.

July 26, 1913.

#### RE REDUCTION IN RATES ON CREAM, SPRINGFIELD TO HAMILTON, ONT.

Mr. Commissioner McLEAN:

Mr. Hardwell in his report recommends a joint rate of 54 cents from Springfield to Hamilton, reserving the rights of the American Express Company to make application to the board for a division of the through rate, in the event of its not being satisfied to allow the Dominion Express Company its local from Hamilton. I have read through the correspondence which has been submitted by both the American and Dominion Express Companies. I think the position of the Dominion Express Company is well taken. The situation is that the American Express Company gives the reduced rate of 20 cents for furtherance from Brownsville. Brownsville is 5½ miles east of Springfield. Brownsville is an exclusive office of the American Express Com-

## SESSIONAL PAPER No. 20c

pany. Apparently the rate from Brownsville for furtherance has been put in by the American Express Company in competition with the one company rate of the Canadian Express from contiguous stations on the Grand Trunk. While such treatment is given at Brownsville it is not extended to Springfield. The granting of the 20 cents for furtherance to Brownsville is an outcome of market competition. While the American Express Company may reduce rates on this account, it must at the same time meet any allegation of discrimination as to traffic received under substantially similar circumstances. It has not been established that the traffic received at Springfield  $5\frac{1}{2}$  miles distant, is received under substantially dissimilar circumstances. I am, therefore, of opinion that an order should go directing the American Express Company to put in a 23-cent rate from Springfield to Hamilton. This will enable a combination rate of 54 cents to be built up.

Assistant Chief Commissioner Scott concurred.

Ordered accordingly.

February 25, 1914.



## APPENDIX D.

SIR,—I have the honour to submit for the ninth report of the board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour car schedules filed with the board from November 1, 1904, to March 31, 1913, and from April 1, 1913, to March 31, 1914, inclusive; also of the more important orders relating to traffic, issued by the Board from April 1, 1913, to March 31, 1914.

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING MARCH 31, 1914.

## FREIGHT—

Local tariffs.. . . .	6,180	
Supplements.. . . .	14,774	20,954
Joint tariffs.. . . .	12,927	
Supplements.. . . .	40,759	53,686
International tariffs.. . . .	46,642	
Supplements.. . . .	163,229	209,871
		<hr/>
		284,511

## PASSENGER—

Local tariffs.. . . .	5,304	
Supplements.. . . .	5,132	10,436
Joint tariffs.. . . .	2,625	
Supplements.. . . .	4,488	7,113
International tariffs.. . . .	9,609	
Supplements.. . . .	11,914	21,523
		<hr/>
		39,072

## EXPRESS—

Local tariffs.. . . .	4,436	
Supplements.. . . .	42,915	47,351
Joint tariffs.. . . .	1,730	
Supplements.. . . .	9,091	10,821
International tariffs.. . . .	1,743	
Supplements.. . . .	936	2,679
		<hr/>
		60,851

## TELEPHONE—

Local tariffs.. . . .	864	
Supplements.. . . .	789	1,653
Joint tariffs.. . . .	1,886	
Supplements.. . . .	2,107	3,993
International tariffs.. . . .	422	
Supplements.. . . .	4,145	4,567
		<hr/>
		10,213

## TELEGRAPH—

Tariffs.. . . .	85	
Supplements.. . . .	68	153

## SLEEPING AND PARLOUR CAR—

Local tariffs.. . . .	49	
Supplements.. . . .	33	82
Joint tariffs.. . . .	21	
Supplements.. . . .	25	46
International tariffs.. . . .	27	
Supplements.. . . .	34	61
		<hr/>
		189

Combined totals, all schedules.. . . .	<hr/>	394,989
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## SESSIONAL PAPER No. 20c

SCHEDULES RECEIVED FROM APRIL 1, 1913, TO AND INCLUDING MARCH 31, 1914.

## FREIGHT—

Local tariffs.. . . .	1,073		
Supplements.. . . .	1,898	2,971	
Joint tariffs.. . . .	2,101		
Supplements.. . . .	9,083	11,184	
International tariffs.. . . .	15,906		
Supplements.. . . .	42,365	58,271	
			72,426

## PASSENGER—

Local tariffs.. . . .	966		
Supplements.. . . .	1,686	2,652	
Joint tariffs.. . . .	750		
Supplements.. . . .	1,669	2,419	
International tariffs.. . . .	1,359		
Supplements.. . . .	3,614	4,973	
			10,044

## EXPRESS—

Local tariffs.. . . .	237		
Supplements.. . . .	7,077	7,314	
Joint tariffs.. . . .	964		
Supplements.. . . .	1,496	2,460	
International tariffs.. . . .	23		
Supplements.. . . .	20	43	
			9,817

## TELEPHONE—

Local tariffs.. . . .	44		
Supplements.. . . .	55	99	
Joint tariffs.. . . .	132		
Supplements.. . . .	818	950	
International tariffs.. . . .	4		
Supplements.. . . .	650	654	
			1,703

## TELEGRAPH—

Tariffs.. . . .	4		
Supplements.. . . .	18		22

## SLEEPING AND PARLOUR CAR—

Local tariffs.. . . .	3		
Supplements.. . . .	11	14	
Joint tariffs.. . . .	4		
Supplements.. . . .	16	20	
International tariffs.. . . .	8		
Supplements.. . . .	32	40	
			74

Combined totals, all schedules.. . . .			94,086
GRAND TOTAL.. . . .			489,075

SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED  
DURING THE YEAR ENDED MARCH 31, 1914.

No. 19069, April 1, 1913.—Telegraph companies to receive and transmit both plain-language and code-language Japanese telegrams, at code-language count (maximum ten letters per word) between points in Canada.

No. 19006, April 9, 1913.—Approves Canadian Northern Railway Company's Standard Freight Mileage Tariff C.R.C. E. 212, for use on its lines east of Port Arthur, Ont.

No. 19086, April 17, 1913.—Establishes express collection and delivery limits in the city of St. John, N.B.

No. 19128, April 25, 1913.—Approves the Standard Freight Mileage Tariff of the Grand Valley Railway Company, C.R.C. No. 3.

5 GEORGE V., A. 1915

No. 104 (General Order), April 30, 1913.—Prescribes a general reduction in express rates in the territory between Sudbury and Sault Ste. Marie and the Pacific Coast.

No. 19269, May 13, 1913.—Approves Supplement No. 12 to the Express Freight Classification No. 2.

No. 19332, May 17, 1913.—Approves Standard Freight Mileage Tariff of the Hull Electric Railway Company, C.R.C. No. F-1.

No. 19395, May 23, 1913.—Establishes express collection and delivery limits in the town of Gull Lake, Sask.

No. 19497, June 5, 1913.—Dismisses an application of the Board of Trade of Kelowna, B.C., for abrogation of the dockage charge of one dollar per car for moving cars from or to the Okanagan Lake barges of the Canadian Pacific Railway Company to and from team tracks and private sidings at Kelowna.

No. 19512, June 9, 1913.—Establishes express collection and delivery limits in the town of Kelowna, B.C., said limits enlarged by order No. 20570, October 8, 1913.

Nos. 19530, 19532, 19533, and 19537, June 9, 1913.—Defines express collection and delivery limits in the cities of London, Ont., Sault Ste. Marie, Ont., Windsor, Ont., and St. Thomas, Ont., respectively.

Nos. 19531, 19534 and 19538, June 9, 1913.—Establishes express collection and delivery limits in the towns of Taber, Alta., Walkerville, Ont., and Haileybury, Ont., respectively.

No. 19570, June 13, 1913.—Prescribes an allowance of three dollars per car by carriers to shippers who furnish slats for floors of refrigerator cars not equipped with permanent slatted or double floors for the carriage of fruits (apples excepted) under refrigeration.

No. 19702, June 27, 1913.—Approves the one-way fares of the Montreal and Southern Counties Railway Company's local passenger tariff, C.R.C. No. 3 as the maxima between Montreal and Richelieu, Que., and intermediate stations.

No. 19709, May 30, 1913.—Enlarges the express collection and delivery limits in the city of Portage la Prairie, Man., fixed by order No. 14882, September 15, 1911.

No. 19710, June 27, 1913.—Suspends modifications, within Canada, of stop-over rules on American lumber, shown in Supplement 5 to G.T.R. Tariff C.R.C. 2374, and Supplement 9 to C.P.R. Tariff C.R.C. 2141.

No. 19712, June 30, 1913.—Great Northern Ry. Co. required to publish additional rates on ore, in carloads, from Salmo, B.C., to Nelson, B.C., appropriate to variant values.

No. 19723, June 27, 1913.—Dismissing application for extension of five days' free time for transshipping ore from cars to vesels at Sorel, Que.

No. 19738, June 30, 1913.—Grand Trunk Pacific Ry. Co. to adjust its charges on sand received at Edmonton since June 21, 1912, to the basis of 2,600 pounds per cubic yard; its freight charges to be so based until its track scale is drained and corrected, or is reinstalled, not later than November 1, 1913.

No. 19749, June 23, 1913.—Approves standard express tariffs for lines west of Sudbury, filed under general order No. 104.

No. 19786, June 10, 1913.—Approves Supplement No. 1 to the Canadian Freight Classification No. 16.

No. 19799, June 11, 1913.—Approves the British American Express Company's Standard Tariff, C.R.C., No. 12.

No. 19937, August 5 1913.—Approves the Grand Trunk Pacific Railway Co.'s Standard Freight Mileage Tariff C.R.C. No. 18, to apply between stations in Alberta and British Columbia between and including Thornton, and mileage 1189.

No. 19857, July 22, 1913.—Establishes express collection and delivery limits in the town of Grand Forks, B.C.



## SESSIONAL PAPER No. 20c

No. 19858, July 22, 1913.—Refuses application of the Canadian Pacific to cancel stop-over arrangement at Outremont, Que., on grain and grain products from western Canada.

No. 19849, May 30, 1913.—Enlarges the express collection and delivery limits in the city of St. Boniface, Man., fixed by order No. 15024, September 15, 1911.

No. 20010, August 11, 1913.—Dismisses application of the Toronto Board of Trade for a reduced classification of dried fruits.

No. 20063, August 11, 1913.—Approves terms and conditions of Bell Telephone Company's contract forms Nos. 1 and 2, in so far as they restrict or limit the company's liability.

No. 20073.—August 15, 1913.—Approves Scale "P" of the Express Classification for the carriage of currency and gold coin.

No. 20074, August 12, 1913.—Amends order No. 17384 to provide express charges for cream for additional distances to 400 miles in the Prairie Provinces.

No. 20106, August 15, 1913.—Dismisses application of the Empire Flour Mills, of St. Thomas, Ontario, for an order restoring milling-in-transit of United States corn.

No. 109 (General Order) August 27, 1913.—Suspends increased mileage rates on less-than carload shipments of grain and grain products in Eastern Canada, pending confirmation and agreement between shippers and consignees.

No. 110 (General Order).—Removes the inhibition against the carriage by freight service of trunks containing wearing apparel and personal effects, provided they be securely corded.

No. 20329, September 13, 1913.—Reduces the rate on coal from the Niagara Frontier to Islington and Lambton, Ont., from 75 cents to 70 cents per ton. Rescinds order No. 20047, August 8, 1913.

No. 20414, September 25, 1913.—Establishes express collection and delivery limits in the town of Bassano, Alta.

No. 20571, October 8, 1913.—Defines express collection and delivery limits in the town of Knowlton, Que.

No. 20681, October 27, 1913.—Pending the extension of the Canadian Northern to Estevan, Sask., the Canadian Pacific to publish joint through freight rates from Estevan via Midals to those Canadian Northern points to which joint through rates via Midals, are published by the Canadian Pacific from Weyburn, Sask.

No. 20686, October 27, 1913.—Dismisses application of the Port Hammond and District Improvement Association for an order requiring the Canadian Pacific to charge the same or similar week-end fares from Port Hammond to the coast cities, as charged from Vancouver to Port Hammond.

No. 20689, October 27, 1913.—Establishes express collection and delivery limits in the city of Owen Sound, Ont.

No. 20739, November 4, 1913.—Prescribes a classification of fourth class for blaugas and carbonic acid gas in steel cylinders, in carloads.

No. 20846, November 19, 1913.—Defines express collection and delivery limits in the city of Hamilton, Ont.

No. 20860, November 21, 1913.—Defines express collection and delivery limits in the town of Cochrane, Ont.

No. 20861, November 20, 1913.—Dismisses application of Otis-Fensom Elevator Company for the same classification ratings on elevator guides (iron or steel) as on railway rails.

Nos. 20865 and 20866, November 21, 1913.—Establishes express collection and delivery limits in the towns of Sudbury and North Bay, Ont., respectively.

No. 20883, November 24, 1913.—Establishes express collection and delivery limits in the town of Leamington, Ont.

5 GEORGE V., A. 1915

No. 20912, November 25, 1913.—The Vancouver, Victoria & Eastern Railway and Navigation Co. (Great Northern Railway) to publish tariffs on lumber, shingles, etc., from its points between Vancouver and New Westminster, to Prairie points, on the basis of one cent per 100 pounds over the rates of the Canadian Pacific from Vancouver or New Westminster.

No. 20925, November 25, 1913.—Adds rating of fourth class for peanut butter in carloads to the Canadian Freight Classification.

Nos. 20972 and 20973, December 4, 1913.—Defines express collection and delivery limits in the cities of Edmonton, Alta., and Levis, Que., respectively.

No. 20988, December 10, 1913.—Defines express collection and delivery limits in the town of New Liskeard, Ont.

No. 21025, December 20, 1913.—The Canadian Pacific Railway Co. to extend to the Ontario & Manitoba Flour Mills, Limited, the privilege of milling all-rail grain at Sudbury, Ont., in transit from Port Arthur, Fort William, and points west thereof, at the through rates therefrom to all points east of Sudbury and the Detroit and St. Clair Rivers, plus one cent per 100 pounds for the Sudbury stop-over service.

No. 21088, December 25, 1913.—Establishes express collection and delivery limits in the city of Lethbridge, Alta.

No. 21089, December 25, 1913.—Establishes express collection and delivery limits in the city of Vernon, B.C.

No. 21148, January 2, 1914.—The Grand Trunk Railway Co. to put into force a rate of 8 cents per 100 pounds on imported wood pulp, in carloads, from Montreal Harbour to Windsor Mills, Que., including terminal charges at Montreal.

No. 117 (General Order) January 8, 1914.—On and after February 1, 1914, shipments of express freight subject to table of "graduate" charges for shipments weighing less than 100 pounds incorporated in the Express Classification, the carriage of which between points in Canada involves the services of two or more express companies, to be charged the appropriate "graduate" under the lowest through or aggregate rate per 100 pounds.

No. 118 (General Order) January 15, 1914.—Railway companies to accept freight consigned "to order" for delivery at "flag" stations, under regulations prescribed therein.

No. 120 (General Order) February 3, 1914.—Amends tariffs of charges for detention of refrigerator cars loaded with perishable freight, by disallowing the charge at the point of loading.

No. 21347, February 10, 1914.—Approves Supplement No. 3 to the Express Classification, prescribing regulations for the carriage of live poultry in coops.

No. 21440, March 3, 1914.—The American Express Co. to publish a rate of 23 cents per 100 pounds from Springfield, Ont., to Hamilton, on cream destined to Toronto.

No. 21515, March 16, 1914.—Approves Marconi Wireless Telegraph Company's tariffs (C.R.C. No. 8) of new rates for cable letters and week-end letters.

No. 123, (General Order) March 19, 1914.—Prescribes a form of "Release of responsibility" in connection with the carriage of second-hand clothing, wearing apparel and personal effects in trunks, securely corded.

I have the honour to be, Sir,

Your obedient servant,

J. HARDWELL.

## APPENDIX E.

LIST OF INSPECTIONS MADE BY THE ENGINEERING DEPARTMENT  
FROM APRIL 1, 1913, TO MARCH 31, 1914.

April 1.—Inspection for opening for traffic of the second track of the Canadian Pacific Railway between Mortlach, mileage 25.6, to Parkbeg, mileage 34, a distance of 8.4 miles.

April 2.—Inspection of culvert on the line of the Canadian Pacific Railway, near Arnprior, Ont., in connection with complaint of G. Baker *re* flooding of his land.

April 3.—Inspection of location of the Canadian Northern Ontario Railway through the town of Pembroke, Ont.

April 3.—Inspection of highway crossing on the line of the Canadian Northern Ontario Railway near Westmeath, Ont.

April 4.—Inspection of yard signals on the Grand Trunk Railway at Montreal, Que.

April 5.—Inspection *re* improved cattle guard proposed by Mr. Jonas Pehrson of Tyndale, Man.

April 11.—Inspection of Gravel Road crossing of the Grand Trunk Railway at Morrisburg, Ont.

April 11.—Inspection of the Waltham Branch, of the Canadian Pacific Railway between Hull and Aylmer, Que.

April 11.—Inspection of the Laggan division of the Canadian Pacific Railway *re* exemption from fencing west of Banff, B.C.

April 12.—Inspection of the main line of the Grand Trunk Pacific Railway west of Winnipeg for exemption from fencing.

April 14.—Inspection of the Suffield-Blackie branch of the Canadian Pacific Railway for opening for freight traffic.

April 14.—Inspection of the Central Vermont Railway in connection with derailment near St. Lambert, Que.

April 15.—Inspection of culverts on the Grand Trunk Railway near Bulstrode, Que.

April 16.—Inspection of the St. Francois River bridge on the line of the Quebec, Montreal & Southern Railway.

April 18-24.—Inspection of New York Central station at New York; also track work on the New York Central & Hudson River Railroad, and Central Railway of New Jersey.

April 19.—Inspection of bridge 179.1 on the Calgary subdivision of the Canadian Pacific Railway, for opening for traffic.

April 19.—Inspection of subway at 9th avenue east, Edmonton, on the line of the Canadian Pacific Railway.

April 21.—Inspection of bridges 7.7 and 7.8 on the Laggan subdivision of the Canadian Pacific Railway for opening for traffic.

April 21.—Inspection of the Canadian Northern Railway right of way in the District of Ochre River *re* fences and cattle guards.

April 22.—Inspection of the line of the Canadian Northern Quebec Railway *re* derailment near St. Cuthbert, Que.

April 23.—Inspection of the Canadian Northern Railway near Glenavon, Sask., *re* uncompleted condition of crossing of main road to Glenavon



5 GEORGE V., A. 1915

April 23.—Inspection of the Hallboro-Beulah branch of the Canadian Northern Railway *re* condition of line.

April 23.—Inspection of the line of the Canadian Northern Quebec Railway between Montreal and Quebec.

April 24.—Inspection of farm crossing for Joseph Meehan on the line of the Georgian Bay & Seaboard Railway.

April 24.—Inspection of bridge No. 186 on the line of the Grand Trunk Railway over the Becancour River at Lyster, Que.

April 25.—Inspection of bridges on the Sherbrooke subdivision of the Canadian Pacific Railway.

April 25.—Inspection of railway ditches on the Canadian Pacific Railway at Iberville Junction *re* complaint of Jos. Thuot.

April 26.—Inspection of proposed station site about one and a half miles south of Guelph Junction on the line of the Canadian Pacific Railway.

April 28.—Inspection of location of spur from the Toronto, Hamilton and Buffalo Railway at Hamilton, Ont., across Cumberland avenue to the premises of Messrs. Furnival-New, Ltd., and the Henry New Estate.

April 29.—Inspection of proposed location of spur from the Grand Trunk Railway for Forwarding, Ltd., Kingston, Ont.

April 29.—Inspection of the crossing of the Third Concession road in the township of Stamford by the Grand Trunk Railway.

May 5.—Inspection of diversion of road allowance on the Canadian Pacific Railway near mileage 60, east of the town of Qu'Appelle, Sask.

May 6.—Inspection of bridge on the Brandon subdivision of the Canadian Pacific Railway.

May 6.—Inspection of the Campbellford, Lake Ontario and Western Railway *re* cattle pass for C. R. Clow on lot 23, concession 3, township of Hinchinbrooke.

May 7.—Inspection *re* proposed road allowance diversion at mileage 66·8 on the main line of the Canadian Pacific Railway.

May 8.—Inspection of interlocking plant at swing bridge over the Batiscan river on the Canadian Pacific Railway.

May 9.—Inspection of crossing gates at St. Remi street, Montreal, on the Grand Trunk Railway.

May 9.—Inspection of temporary crossing between the Bergen northeasterly cut-off of the Canadian Pacific Railway and the Canadian Northern Railway, Oak Point branch.

May 9.—Inspection of second main line track of the Canadian Pacific Railway between Adirondack Junction and Highlands, Que.

May 10.—Inspection of Notre Dame street overhead bridge on the Canadian Pacific Railway, Montreal, Que., *re* overhead clearances.

May 10.—Inspection of connection between the main line of the Canadian Northern Railway, St. Boniface, Man., and the National Transcontinental Railway track, a distance of 3,300 feet for opening for traffic.

May 12.—Inspection of bridge 37·5, on the Mountain subdivision of the Canadian Pacific Railway for opening for traffic.

May 12.—Inspection of bridge 127·2, on the Mountain subdivision of the Canadian Pacific Railway, for opening for traffic.

May 13.—Inspection of bridge 44·7, on the Shuswap subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 95·2 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 90·6 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of Bridge 95·2 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

## SESSIONAL PAPER No. 20c

May 13. Inspection of bridge 102·6 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 108·6 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 13.—Inspection of bridge 110·1 on the Cascade subdivision of the Canadian Pacific Railway for opening for traffic.

May 14.—Inspection for opening for traffic of the connection between the Canadian Northern Ontario Railway and the Algoma Eastern Railway at Sudbury, Ont.

May 15.—Inspection of Calverly crossing at bridge 25·94 on Sudbury subdivision of the Canadian Pacific Railway.

May 15.—Inspection of interlocking plant at the crossing of the Grand Trunk Railway by the Canadian Northern Ontario Railway at Nipissing, Ont.

May 16.—Inspection of rails between Powassan and Trout Creek, Ont., on the Northern division of the Grand Trunk Railway.

May 16.—Inspection of proposed spur track for the Canada Tile and Fire Proofing Co., Ltd., at Carman, Man., on the line of the Canadian Pacific Railway.

May 16.—Inspection of proposed crossing of highway known as West Kildonan, and also across the Winnipeg, Selkirk and Lake Winnipeg Railway by the Canadian Pacific Railway.

May 16.—Inspection for opening for traffic of the new second track of the Canadian Pacific Railway from Pense to Belle Plains, mileage 109·7 to mileage 117·3, a distance of 7·7 miles.

May 16.—Inspection for opening for traffic of the second track of the Canadian Pacific Railway between Parkberg and Melba, a distance of 8·8 miles.

May 16.—Inspection of double track of the Canadian Pacific Railway, Moosejaw subdivision, for opening for traffic.

May 16.—Inspection of bridge 46·37 Broadview subdivision of Canadian Pacific Railway for operation.

May 16.—Inspection of bridge at mileage 94·8, Moosejaw subdivision of the Canadian Pacific Railway, at Wascana creek for operation.

May 16.—Inspection of Canada subdivision of the Canadian Pacific Railway for opening for traffic.

May 16.—Inspection of second track of the Canadian Pacific Railway between Hammond and Mission Junction for opening for traffic.

May 20.—Inspection of proposed level crossing of highway by the Canadian Northern Railway at Hilliard street, Saskatoon, Sask.

May 20.—Inspection of the line of the Canadian Northern Quebec Railway from St. Jerome to Huberdeau, Que.

May 21.—Inspection of Ste. Rose bridge on the Ottawa subdivision of the Canadian Pacific Railway.

May 21.—Inspection of the crossing of Main street, Victoriaville, Que., by the Grand Trunk Railway.

May 22.—Inspection of the crossing of the Grand Trunk Pacific main line by the Asquith-Conquest branch of the Canadian Pacific Railway in section 20, township 36, range 9, west of the 3rd meridian.

May 23.—Inspection of the Kerrobert northeasterly branch of the Canadian Pacific Railway from mileage 0 to mileage 25 for opening for traffic.

May 23.—Inspection for opening for traffic of the Kerrobert northeasterly branch of the Canadian Pacific Railway from mileage 25 to mileage 36·1.

May 27.—Inspection of bridge 24·5 on the MacLeod subdivision of the Canadian Pacific Railway for opening for traffic.

May 27.—Inspection of bridges 35·7, 54·0 and 54·7 on the MacLeod subdivision of the Canadian Pacific Railway for opening for traffic.

May 28.—Inspection of siding for the Crowsnest Stone Company on the Crowsnest subdivision of the Canadian Pacific Railway.

5 GEORGE V., A. 1915

May 29.—Inspection of new second track of the Canadian Pacific Railway from Belle Plains to east end of Regina yard, a distance of 17 miles.

May 29.—Inspection of crossing of Esplanade and Toronto streets, Medicine Hat, Alta., by the Canadian Pacific Railway.

June 2.—Inspection of bridge 96.6 on the Calgary subdivision of the Canadian Pacific Railway for opening for traffic.

June 2.—Inspection of bridge 140.4 on the Calgary subdivision of the Canadian Pacific Railway for opening for traffic.

June 4.—Inspection of Bethune street subway, bridge 1.85 Montreal Terminals, of the Canadian Pacific Railway, at Westmount, Que.

June 4.—Inspection of bridge 0 55, Smith's Falls subdivision of the Canadian Pacific Railway, near Montreal Junction.

June 4.—Inspection of site for Government Grain Elevator at Port Arthur, Ont.

June 5.—Inspection of the Quebec, Montreal & Southern Railway between St. Hyacinthe and Iberville Junction, Que.

June 5.—Inspection for opening for traffic of the Grand Trunk Pacific Railway branch line from Superior Junction to Fort William, a distance of 189.9 miles.

June 5.—Inspection of highway crossing between counties of Wellington and Waterloo at mileage 35.7 on the line of the Canadian Pacific Railway, about a quarter of a mile west of Wallenstein station.

June 7.—Inspection of the Laggan-Lake Louise branch of the Canadian Pacific Railway for opening for traffic.

June 9.—Opening for traffic of the Grand Trunk Pacific Railway, Biggar-Calgary branch, mileage 0 to mileage 48.

June 10.—Inspection of the crossing of the Canadian Northern Railway over Third street, Bladworth, Sask.

June 10.—Inspection of proposed station grounds of the Canadian Northern Ontario Railway at Smith's Falls, Ont.

June 11.—Inspection of proposed crossing of the Canadian Pacific Railway over the property of James Carr, Viceroy, Sask., in the southeast quarter, section 16, township 6, range 26, west 2nd meridian.

June 12.—Inspection of crossing over the main line of the Canadian Pacific Railway between the switches at Verwood, Sask.

June 12.—Inspection of the Canadian Pacific Railway between Viceroy and Assiniboia *re* train service.

June 13.—Inspection of interlocking plant where the Grand Trunk Pacific Railway, Regina-Boundary branch, crosses the Weyburn subdivision of the Canadian Pacific Railway at Griffin.

June 13.—Inspection of crossing gates at King and Sherbrooke streets, Peterborough, Ont., on the Grand Trunk Railway.

June 17.—Inspection of interlocking plant at West Toronto and Couchiching Narrows, and Trent Canal Swing bridges, on the Canadian Pacific Railway.

June 17.—Inspection of the Canadian Pacific Railway from Strathecona to Victoria street, Edmonton, for opening for traffic.

June 19.—Inspection of the Laggan to Lake Louise branch of the Canadian Pacific Railway for opening for traffic.

June 19.—Inspection of the Canadian Northern Ontario Railway *re* cattle pass for Mr. Vandervoort, Belleville, Ont.

June 19.—Inspection *re* application of Robert Wallace and others for a subway between sections 24 and 25, township 11, range 12, west principal meridian, Manitoba.

June 19.—Inspection of Main street crossing at Kenora, Ont.

June 20.—Inspection of bridges on the Canadian Pacific Railway terminals at Fort William, Ont.



## SESSIONAL PAPER No. 20c

June 23.—Inspection of condition of ditch on the north side of the Canadian Northern Railway in the municipality of Atwood, Ont., *re* complaint of W. H. Williscraft, of Rainy River.

June 23.—Inspection of Canadian Northern Railway at Ridgeville, Man., *re* proposed culvert at the crossing by the Emerson Branch.

June 25.—Inspection of proposed temporary crossing of the Selkirk branch of the Canadian Pacific Railway (Winnipeg Branch) by the Stonewall branch of the Winnipeg-Selkirk & Lake Winnipeg Railway.

June 25.—Inspection of the line of the Canadian Northern Quebec Railway between Joliette and Quebec.

June 27.—Inspection of proposed subway under the Canadian Pacific Railway at Third avenue, Yorkton, Sask.

June 27.—Inspection of drainage along the line of the Canadian Northern Railway in section 34, township 29, range 32, west principal meridian.

June 27.—Inspection of location of the Campbellford, Lake Ontario & Western Railway in the vicinity of Moira River bridge at Belleville, Ont.

June 29.—Inspection of wreck on the Canadian Pacific Railway at Westboro, Ont.

June 30.—Inspection of proposed highway crossing asked for by the township of Fitzroy on the Grand Trunk Railway at Carp, Ont.

June 31.—Inspection of Longue Point spur of the Canadian Pacific Railway at Maisonneuve, Que.

July 1.—Inspection of the Kootenay Central Railway from Golden to Spillimachen, a distance of 41 miles, for opening of traffic.

July 2.—Inspection of crossing of the main line double track of the Grand Trunk Railway over Ottawa street, Hamilton, Ont.

July 3.—Inspection of the line of the Hamilton Radial Railway along the highway on Burlington Beach.

July 8.—Inspection of proposed spur for the Toronto Steel Company, and Weston Road subway, on the Grand Trunk Railway, at Weston, Ont.

July 9.—Inspection of road-bed of the Grand Trunk Railway at Cayuga, Ont.

July 9.—Inspection of temporary bridge over Pitt river on the Cascade division of the Canadian Pacific Railway.

July 10.—Inspection of culvert on the Canadian Pacific Railway *re* complaint of the township of Tecumseh, Ont.

July 10.—Inspection of highway and farm crossings on the Canadian Pacific Railway at Edmundston, N.B.

July 11.—Inspection of track of the Canadian Pacific Railway *re* derailment at Newburg, Ont.

July 18.—Inspection of work done at overhead bridge at Lachine Road Crossing, on the Grand Trunk Railway at Rockfield, Que.

July 18.—Inspection of Canadian Pacific Railway crossing of 34th avenue, MacLeod, Alta.

July 19.—Inspection of site of crossing of the Canadian Pacific Railway in the village of St. Pie, Que.

July 19.—Inspection of crossings and diversion of the Canadian Pacific Railway in the township of Bedford, Quebec.

July 19.—Inspection of the Canadian Pacific Railway *re* cattle pass for A. Buckley, Parham, Ont.

July 19.—Inspection of proposed road diversion on the line of the Canadian Pacific Railway in the township of Hinchinbroke, Ont.

July 22.—Inspection of bridge 65.6 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 22.—Inspection of bridge 53.7 on the Crowsnest subdivision of the Canadian Pacific Railway.

5 GEORGE V., A. 1915

July 23.—Inspection of yard of Canadian Pacific Railway at Fernie, B.C., *re* wing guards.

July 23.—Inspection of bridge 89.2 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 23.—Inspection of bridge 13.2 on the Sirdar subdivision of the Canadian Pacific Railway.

July 23.—Inspection of bridge 87.8 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 23.—Inspection of bridge 75.0 on the Crowsnest subdivision of the Canadian Pacific Railway.

July 24.—Inspection of condition of track of the Canadian Pacific Railway, Rossland subdivision, six and a half miles south of Castlegar, where accident took place.

July 26.—Inspection of bridge 82.7 on the Boundary subdivision of the Canadian Pacific Railway.

July 26.—Inspection of bridge 1.43 on the British Columbia subdivision of the Canadian Pacific Railway.

July 26.—Inspection of bridge 118.4 on the Boundary subdivision of the Canadian Pacific Railway.

July 26.—Inspection of road crossing on the Canadian Pacific Railway near Greenwood, B.C.

July 29.—Inspection of culverts and ditches on the Canadian Pacific Railway at Portneuf, Que., *re* complaint of Narcisse Marcotte.

July 30.—Inspection of second main line track of the Canadian Pacific Railway between Farnham and Iberville, Que.

August 3.—Inspection of the St. James interlocking plant of the Midland Railway of Manitoba.

August 3.—Inspection of Longue Pointe spur of the Canadian Pacific Railway at Maisonneuve, Que.

August 5.—Inspection of proposed location of the Canadian Northern Ontario Railway station in the township of Dorion, Ontario.

August 7.—Inspection of Oak Point branch of the Canadian Northern Railway for opening for traffic.

August 12.—Inspection of main line of the Grand Trunk Pacific Railway from Tête Jaune Cache, mileage 1095.3, to the second crossing of the Fraser river, mileage 1189, a distance of 93.7 miles.

August 12.—Inspection for opening for traffic of the double track of the Lake Superior subdivision of the Canadian Pacific Railway, from Robert to Ramsay, Ont.

August 12.—Inspection for opening for traffic of the Canadian Pacific Railway between Azilda and Larchwood, Cartier subdivision of the Canadian Pacific Railway.

August 12.—Inspection of bridges on the North Bay subdivision of the Canadian Pacific Railway for opening for traffic.

August 15.—Inspection of bridges on the Soo branch of the Canadian Pacific Railway for opening for traffic.

August 15.—Inspection of overhead bridge on the Algoma Central and Hudson Bay Railway at Steelton, Ont.

August 15.—Inspection of bridge 3.8 on the Algoma Central and Hudson Bay Railway, damaged by embankment slide.

August 16.—Inspection of bridge 79.68, over the Batchewana river, and bridge 151.5, over the Michipicoten river, on the Soo division of the Algoma Central and Hudson Bay Railway, for opening for traffic.

August 16.—Inspection for opening for traffic of the Algoma Central and Hudson Bay Railway from Franz to Oba, Ont.

August 18.—Inspection for opening for traffic of the Algoma Eastern Railway from West river to Goat island.

## SESSIONAL PAPER No. 20c

August 19.—Inspection of fencing on the Sudbury subdivision of the Canadian Pacific Railway *re* complaint of Mr. Daoust.

August 19.—Inspection of double track of the Moosejaw subdivision of the Canadian Pacific Railway from mileage 49 to mileage 70·27 for opening for traffic.

August 20.—Inspection of the Griffin branch of the Canadian Pacific Railway from Alida, to Tilston, a distance of 26·2 miles.

August 20.—Inspection of site of crossing asked for by the municipality of Verner, Ont., on the Canadian Pacific Railway.

August 23.—Inspection of site of proposed grain elevator for the Board of Grain Commissioners at Fort William, Ont.

August 25.—Inspection of location of the Grand Trunk Pacific Railway along Empire avenue, Fort William, Ont.

August 25.—Inspection of fencing on the Canadian Northern Railway in section 18, township 18, range 20, west principal meridian *re* complaint of Mr. Dan Lilley, of Sandy Lake, Man.

August 25.—Inspection of the Canadian Pacific Railway *re* drainage near Mascouche, Que.

August 27.—Inspection for opening for traffic of the Grand Trunk Pacific Railway, Biggar-Calgary branch from Doddsland, mileage 49, to mileage 66·5.

August 30.—Inspection for opening for traffic of the new second track of the Canadian Pacific Railway from Chaplin to Ernfold, a distance of 11·5 miles.

August 30.—Inspection for opening for traffic of the Grand Trunk Pacific Railway, Regina-Boundary branch, from Talmage, mileage 66·5, to the Boundary line, mileage 155.

August 30.—Inspection of subway on the Canadian Pacific Railway at Eleventh avenue, Moosejaw, Sask.

September 1.—Inspection of proposed crossing over the main side tracks of the Canadian Pacific Railway at Verwood, Sask.

September 1.—Inspection of the Quebec Oriental Railway in the county of Bonaventure, Quebec.

September 1.—Inspection of highway crossings on the Quebec Oriental Railway in the municipality of New Richmond, Que.

September 1.—Inspection of the right of way fences on the line of the Quebec Oriental Railway.

September 4.—Inspection of the line of the Canadian Northern Ontario Railway in the township of Camden, county of Addington, mileage 152·13 to 152·72.

September 4.—Inspection of proposed crossing of Bridge street, Yarker, Ont., by the Canadian Northern Ontario Railway.

September 4.—Inspection for opening for traffic of the Weyburn Westerly branch of the Canadian Pacific Railway from Assiniboia to Woodrow, a distance of 32·7 miles.

September 5.—Inspection for opening for traffic of the Grand Trunk Railway, Moosejaw Northwesterly branch, from Moosejaw to Mower, a distance of 47·3 miles.

September 5.—Inspection of the Canadian Northern Railway through the municipality of Nutana *re* fencing.

September 9.—Inspection for opening for traffic of the Suffield branch of the Canadian Pacific Railway.

September 10.—Inspection of crossing of road allowance between sections 35 and 36, west principal meridian, on the Minnedosa subdivision of the Canadian Pacific Railway, at Keyes, Man.

September 11.—Inspection of transfer track between the Canadian Pacific Railway and the Canadian Northern Railway at Rosetown, Sask.

September 12.—Inspection of highway crossing on the branch of the Grand Trunk Pacific Railway in the municipality of Cornwallis, Sask.



5 GEORGE V., A. 1915

September 13.—Inspection of the Canadian Pacific Railway second track from Kemnay to Griswald, a distance of 16.6 miles.

September 15.—Inspection of siding on the Grand Trunk Railway at Cainsville, Ont.

September 18.—Inspection of proposed location of the Glengarry and Stormont Railway at Cornwall, Ont.

September 16.—Inspection of double track on the Cascade subdivision of the Canadian Pacific Railway, mileage 47.8 to 86.8.

September 17.—Inspection of the Mountain division of the Canadian Pacific Railway, Golden east to Field, B.C., *re* complaint of Mr. McDonald.

September 22.—Inspection of the Lacombe Easterly branch from Coronation to Monitor for opening for traffic.

September 23.—Inspection of the 48-inch sewer through the Broad Street yard of the Canadian Pacific Railway at Ottawa, Ont.

September 24.—Inspection of Canadian Pacific Railway, Estevan to Neptune, for opening for traffic.

September 24.—Inspection of Swift Current Northwesterly branch of the Canadian Pacific Railway, from Westerham, mileage 94 to 34.8, also mileage 33 to 34.8, with a view to eliminating the speed restrictions.

September 24.—Inspection of the Canadian Northern Ontario Railway, Parry Sound to Toronto, Ont.

September 25.—Inspection of location of the Grand Trunk Railway and the Campbellford, Lake Ontario and Western Railway yards at Cobourg, Ont.

September 29.—Inspection of the Canadian Pacific Railway on rue Plinquet, St. Boniface, Man.

September 30.—Inspection of Canadian Northern Ontario Railway *re* diversion of highway between concessions 9 and 10, and between lots 20 and 21, concession 10, township of Fitzroy, Ontario.

October 1.—Inspection for opening for traffic of the Grand Trunk Pacific Railway, Outknife branch, between Battleford and Rossman, a distance of 33.6 miles.

October 1.—Inspection of proposed crossing of the highway between lots 8 and 9, range 2, township of Bristol, Que., by the Canadian Northern Ontario Railway.

October 1.—Inspection of the Pontiac and Pacific Junction Railway at Fort Coulonge, Que.

October 2.—Inspection of the line of the Grand Trunk Railway at Caledonia, Ont., *re* drainage on farm of Mr. Burgess.

October 4.—Inspection of highway crossing on the Aldersyde branch of the Canadian Pacific Railway at Ensign, Ont.

October 5.—Inspection of right of way fences and crossings on the line of the Atlantic, Quebec and Western Railway at Ste. Adelaide de Pabos, Que.

October 5.—Inspection of ditches, culverts and right of way fences on the Atlantic, Quebec and Western Railway at Grand River, Que.

October 5.—Inspection of the line of the Grand Trunk Railway *re* farm crossing for J. Rogers, lot 7, concession 10, township of Ellice, Gadshill, Ont.

October 5.—Inspection in connection with expropriation of portion of southeast quarter section 8, township 12, range 19, west 2nd meridian, required for adequate water supply at Milestone, Sask.

October 6.—Inspection for opening for traffic of the Wilkie-Anglia branch of the Canadian Pacific Railway from mileage 0 to 25, with a view to removing the speed restrictions.

October 8.—Inspection of Station Avenue subway on the Canadian Northern Quebec Railway at Shawinigan, Que.

## SESSIONAL PAPER No. 20c

October 10.—Inspection for opening for traffic of the second track of the Canadian Pacific Railway on the Swift Current subdivision, between mileage 70 and Herbert, mileage 81.9.

October 10.—Inspection for opening for traffic of the Kerrobert Northeasterly branch of the Canadian Pacific Railway from mileage 0 to 36.1, with a view to relieving speed limitations.

October 10.—Inspection of culvert on the Canadian Pacific Railway *re* complaint of the municipality of Reford, at Coblenz, Sask.

October 12.—Inspection of the Canadian Pacific Railway from Fredericton to Victoria *re* connection with St. John and Quebec Railway.

October 14.—Inspection of the Canadian Pacific Railway *re* cattle pass for J. B. Wiens, on southeast quarter section, 10-17-10, west 3rd meridian.

October 14.—Inspection of proposed Canadian Northern Ontario Railway industrial spurs, Pembroke, Ont.

October 14.—Inspection of Canadian Northern Ontario Railway *re* cattle pass for W. White on lot 16, concession 12, township of Alice.

October 16.—Inspection of the line of Canadian Pacific Railway (Kingston and Pembroke branch, Opeongo) *re* fencing right of way along J. Rütz's lands.

October 16.—Inspection of Canadian Pacific Railway, second track, Broadview subdivision, from Pilot Butte to Regina, mileage 83.5 to mileage 92.0, distance 8.4 miles.

October 18.—Inspection of Grand Trunk Pacific, Biggar-Calgary line from Biggar to No. 1 siding, distance 7.1 miles.

October 23.—Inspection for opening for traffic of the Canadian Northern Railway from Macrorie to Tichfield, distance 6 miles, and from Elrose Junction to Elrose, distance 50 miles.

October 23.—Inspection of the line of Canadian Pacific Railway on Lambert's farm crossing, Spring Hill, Que.

October 23.—Inspection of bridge 46.9 on Canadian Pacific Railway, Megantic subdivision.

October 24.—Inspection for opening for traffic of the Canadian Northern Railway from Alsask to Hanna, distance 93 miles, and from Hanna to Munson, distance 40 miles.

October 25.—Inspection of the line of the Canadian Pacific Railway, near Savona, B.C., *re* fencing exemption.

October 25.—Inspection of the line of Campbellford, Lake Ontario and Western Railway through farm of Norman Bellyon on lot 6, concession 1, township of Murray.

October 25.—Inspection of location of line of Campbellford, Lake Ontario and Western Railway in town of Trenton, Ont.

October 25.—Inspection of location of Lake Erie and Northern Railway through farm of George Wedlake, Brantford, Ont.

October 25.—Inspection of the line of the Campbellford, Lake Ontario and Western Railway through farm of E. P. Flindall, lot 19, concession 7, township of Murray.

October 27.—Inspection of the line of Canadian Pacific Railway, Cascade subdivision, in connection with proposed change of station at Coquitlam.

October 27.—Inspection in connection with accident on the line of the Canadian Northern Railway 1 mile west of McGee, Sask.

October 28.—Inspection of proposed diversion of highway crossing between concessions 12 and 13, township of Pelham, on the line of the Toronto, Hamilton and Buffalo Railway.

October 28.—Inspection of line of Canadian Northern Railway, Dauphin subdivision, *re* drainage in northwest quarter section 25-24-18, west first meridian, for A. L. Armine.

5 GEORGE V., A. 1915

October 29.—Inspection on line of Michigan Central Railroad *re* crossing east of railway station, Springfield, Ont.

October 30.—Inspection on the line of Campbellford, Lake Ontario and Western Railway under construction *re* A. R. Farewell's farm crossing, lot 18, township Whitby, Oshawa, Ont.

October 31.—Inspection of half-interlocking plant where Brandon Municipal Railway crosses Canadian Northern Railway at 13th street, Brandon.

November 3.—Inspection of Canadian Pacific Railway second track, Moosejaw, from Ernfold, mileage 66.5 to 70, distance 3.5 miles.

November 4.—Inspection for opening for traffic of Stirling-Weyburn branch of Canadian Pacific Railway, mile 0 to mile 49.2.

November 5.—Inspection of Lachine canal bridge on the line of the Canadian Pacific Railway.

November 5.—Inspection of interlocking plant on line of the Canadian Pacific Railway at crossing of Quebec, Montreal and Southern Railway, Iberville, Que.

November 5.—Inspection of the line of Campbellford, Lake Ontario and Western Railway through farm of Edward Cox, lot 28, concession 1, township of Clarke.

November 5.—Inspection of the line of Quebec, Montreal and Southern Railway, Southern division, between St. Hyacinthe and Iberville Junction, Que.

November 6.—Inspection of the line of the Canadian Pacific Railway, *re* road crossing diversion, mile 132.6 and 136.3, Lacombe easterly.

November 6.—Inspection of proposed crossing of highway between lots 6 and 7, concession B.F., township of Clarke, by the Campbellford, Lake Ontario and Western Railway.

November 6.—Inspection of proposed crossing of highway between lots 20 and 21, township of Clarke, by the Campbellford, Lake Ontario and Western Railway.

November 6.—Inspection of proposed crossing of highway between lots 10 and 11, concession B.F., by the Campbellford, Lake Ontario and Western Railway.

November 6.—Inspection of the Campbellford, Lake Ontario and Western Railway location at Newcastle, Ont.

November 6.—Inspection on the line of the Canadian Pacific Railway *re* spur trackage to lots 1 and 12, block 24, Prairie Heights, to serve lumber and coal yards of S. A. Hamilton C., Ltd., Moosejaw, Sask.

November 7.—Inspection *re* city of Regina crossing, with its municipal railway, the Canadian Northern Railway at rail level at 4th street, between McIntyre and Lorne streets, where it is necessary to cross two commercial spurs of the railway company and main line of the company running north and west.

November 7.—Inspection *re* recommendation for removal of speed limit, on the line of the Canadian Pacific Railway, Coronation to Consort.

November 7.—Inspection for opening for traffic, Canadian Pacific Railway line from Consort to Monitor.

November 11.—Inspection on the line of the Canadian Pacific, *re* condition of planking in road crossings between Regina and Moosejaw.

November 11.—Inspection *re* station and telegraph service on the line of the Canadian Pacific Railway in town of Forward, Sask.

November 13.—Inspection of River road and bridge 45.6 on line of the Canadian Pacific Railway, Orford branch.

November 14.—Inspection of bridges and McCormick's creek near Bryson's, Que., Massena branch of the Grand Trunk Railway.

November 14.—Inspection of interlocking plant at Frobisher, where the Grand Trunk Pacific crosses the Canadian Pacific Railway.

November 14.—Inspection *re* Canadian Northern Railway location over coal mines at Bienfait, Sask.



## SESSIONAL PAPER No. 20c

November 18.—Inspection of railway bridge over Beaver river, Beaverton, Ont., on the line of the Canadian Northern Ontario.

November 18.—Inspection *re* construction of line of railway across tracks of Winnipeg Electric Street Railway on Pembina street.

November 18.—Inspection on the line of the Canadian Northern Railway *re* passenger and freight service at Youngstown, Oyen, Chinook, and Hanna, Alta.

November 19.—Inspection on the line of the Canadian Northern Railway *re* proper crossings over tracks immediately west of D'Arcy, Sask.

November 19.—Inspection for opening for traffic Oshawa branch of the Canadian Northern Ontario Railway.

November 19.—Inspection of the Algoma Eastern Railway from Crean Hill, mileage 28.5, to West river, mileage 60.76, for opening for traffic.

November 20.—Inspection of interlocking plant where the Grand Trunk Pacific crosses the double track of the Canadian Pacific railway, 1 mile west of Regina.

November 20.—Inspection of the line of Canadian Pacific railway, London subdivision, *re* complaint of the Milton Pressed Brick Company.

November 20.—Inspection of line of Canadian Northern Railway Tunnel under Mount Royal, Montreal, Que.

November 20.—Inspection of line of Canadian Pacific railway *re* York Street bridge, Toronto, Ont.

November 20.—Inspection of farm crossing for Wm. Pinkney, Cooksville, Ont., on the line of the Canadian Pacific railway.

November 20.—Inspection of main line of Algoma Central and Hudson Bay railway, from mileage 95 to Hawk Lake junction at mileage 164.5, for opening for traffic.

November 21.—Inspection of the line of the Campbellford, Lake Ontario and Western railway under construction across farm of R. Sterling, Brown's Corners, Ont.

November 21.—Inspection of Canadian Pacific railway second track between White River and Tarpon for opening for traffic.

November 21.—Inspection of Canadian Pacific second track from Crete, mileage 75.7, to Sudbury, mileage 78.9, for opening for traffic.

November 21.—Inspection of Canadian Pacific railway second track from Devon, mileage 132.6, Chapleau subdivision, to Esher, mileage 6.9, White River subdivision, for opening for traffic.

November 21.—Inspection of Canadian Pacific railway second track from Depew, mileage 126.5, to White River at mileage 131.8, White River subdivision, for opening for traffic.

November 22.—Inspection of Canadian Pacific railway second track from Cartier to Geneva for opening for traffic.

November 22.—Inspection of proposed highway crossing of the Canadian Pacific railway, at grade, on lot 6, concession 3, township of Neelon, Ontario.

November 22.—Inspection of Canadian Pacific railway second track from Heron Bay, mileage 55.5, to Peninsula, mileage 61.2, Schreiber subdivision, for opening for traffic.

November 22.—Inspection of Canadian Pacific railway second track from Fire Hill, mileage 55, to Ruby, mileage 59.4, Nipigon subdivision, for opening for traffic.

November 22.—Inspection of Canadian Pacific railway second track from Navilus, mileage 120.5, to Hedge, mileage 124.6 Nipigon subdivision, for opening for traffic.

November 22.—Inspection *re* removal from and off Selkirk avenue, Winnipeg, Man., of a certain Canadian Pacific railway spur track which connects with Canadian Pacific Railway Selkirk line immediately north of Selkirk avenue, and runs southerly across Selkirk avenue into the Exhibition grounds; and connection of said spur with Selkirk line of Canadian Pacific railway south of Selkirk avenue.

5 GEORGE V., A. 1915

November 23.—Inspection of Canadian Pacific railway second track, Broadview subdivision, mileage 121 to mileage 131.4, distance 10.4 miles.

November 25.—Inspection of the line of the Canadian Northern Quebec railway, Montford branch.

November 26.—Inspection of the line of the Central railway between St. Lambert and Waterloo, Que., and also St. Cesaire branch *re* board's order.

November 27.—Inspection of interlocking plant on the line of the Grand Trunk Railway at St. Lambert, Que.

November 28.—Inspection of the line of the Canadian Pacific railway *re* dangerous crossings at Port Moody.

November 29.—Inspection of the line of the Canadian Pacific railway *re* dangerous crossings, Port Hammond.

November 29.—Inspection *re* dangerous crossings at Port Haney, on the line of the Canadian Pacific railway.

November 29.—Inspection for opening for traffic Canadian Pacific Railway Bois-sevain to Lauder branch, mileage 0 to mileage 36.4 miles.

November 29.—Inspection *re* spur crossing Pembina street from Canadian Northern Railway siding on each side of the railway workshops to Winnipeg Sandstone and Brick Co., Ltd., on opposite side of Pembina street.

November 29.—Inspection *re* condition of the Grand Trunk Pacific Railway on Empire avenue, Fort William, Ont.

December 2.—Inspection of the Canadian Pacific Railway, Aronlea to Gravelburg line, distance 79 miles.

December 3.—Inspection for opening for traffic of part of Canadian Northern Railway Radville-Moosejaw line, mileage 83 to 86.

December 3.—Inspection of the Canadian Northern Railway line from Radville to mileage 83 with a view of relieving speed limit.

December 3.—Inspection of the interlocking plant where the Grand Trunk crosses the Maryfield branch of the Canadian Northern Railway in northwest quarter-section 9 township 5 range 6 west second meridian, near Lampman, Sask.

December 3.—Inspection *re* condition of crossings on Maryfield branch of Canadian Northern Railway, near Walpole.

December 3.—Inspection *re* fencing on line of the Canadian Pacific Railway (Kingston and Pembroke branch), Folger, Ont.

December 3.—Inspection *re* railway bridge over Clyde river, Flower, Ont., on line of Kingston and Pembroke branch of the Canadian Pacific Railway.

December 4.—Inspection of proposed diversion on the line of the Canadian Pacific Railway at Bathurst, Ont.

December 4.—Inspection of the Campbellford, Lake Ontario and Western Railway through lot 19, belonging to school board of section 2, township of Sydney.

December 5.—Inspection of Grand Trunk Railway through lots 10 and 11, concession 2, township of South Dumfries.

December 5.—Inspection of proposed crossing of the Kingston road and the road between the town of Bowmanville and township of Darlington at the west boundary of the town, by the Campbellford, Lake Ontario and Western Railway.

December 5.—Inspection *re* closing up road to depot, Okanagan Landing, on line of the Canadian Pacific Railway.

December 7.—Inspection for opening for traffic of Suffield-Blackie branch of the Canadian Pacific Railway, mile 26.3 to mile 57.2.

December 8.—Inspection of line of Canadian Pacific Railway, Virden-McCauley branch, mileage 13.5 to 36.0, distance 22.5 miles.

December 9.—Inspection for opening for traffic double track of the Canadian Pacific Railway, mileage 76.8 to 84.2, distance 7.4 miles.

## SESSIONAL PAPER No. 20c

December 9.—Inspection for opening for traffic Canadian Pacific Railway second track from Notman, mileage 95.1 to Waldeck, mileage 99.4, distance 4.3 miles.

December 9.—Inspection of track between Allenburg and Old siding, Port Colborne Division of the Grand Trunk Railway.

December 10.—Inspection of the line of the Campbellford, Lake Ontario and Western Railway through farm of Mrs. Mary Hawley, lot 31, concession 8, township of Camden.

December 10.—Inspection of the Wabash Railroad track, Fort Erie to St. Thomas.

December 10.—Inspection of Pere Marquette Railroad track two miles north of Port Stanley.

December 11.—Inspection of the line of the Canadian Pacific Railway *re* drainage on Mr. Plunkett's farm, lot 4, concession 7, township of Vaughan.

December 11.—Inspection of location of the line of the Campbellford, Lake Ontario and Western Railway through farm of M. and W. Lawlor, east half of lot 45, concession 9, township of Camden.

December 11.—Inspection of location of the line of the Campbellford, Lake Ontario and Western Railway across lot 32, concession 8, township of Camden.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western Railway across Mrs. Brown's farm, lot 44, concession 9, township of Camden.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western Railway on Michael Kennedy's farm, on east half of lot 49, concession 9, township of Camden.

December 11.—Inspection of location of the line of the Campbellford, Lake Ontario and Western Railway across lot 50, concession 9, township of Camden.

December 11.—Inspection of line of Lake Erie and Northern Railway near Brantford, Ont.

December 11.—Inspection of the line of the Campbellford, Lake Ontario and Western Railway across the farm of T. Kenney on lot 45, concession 9, township of Camden.

December 11.—Inspection of location of Campbellford, Lake Ontario and Western Railway through John Kelly's farm, lot 50, concession 9, township of Camden.

December 11.—Inspection for opening for traffic of the Canadian Northern Railway, Blain Lake to Denholm, distance 52 miles.

December 11.—Inspection for opening for traffic Canadian Pacific third track between Parkdale and West Toronto, Toronto Terminals.

December 15.—Inspection for opening for traffic Algoma Eastern Railway, between Goat Island and Little Current, Manitoulin island.

December 15.—Inspection of bridge and draw span across Little Current ship channel, on the line of the Algoma Eastern Railway, Manitoulin island.

December 16.—Inspection *re* crossing through yard between Whyte avenue and 19th avenue south, on the line of the Canadian Pacific Railway.

December 16.—Inspection *re* spur for K. M. Zentill, of Dryden, Ont., on the line of the Canadian Pacific Railway.

December 16.—Inspection of Canadian Pacific Railway double track and line diversion, Cartier subdivision.

December 16.—Inspection *re* Canadian Northern Railway crossing Canadian Pacific Railway near Medicine Hat.

December 16.—Inspection of the interlocking plant on the line of the Edmonton Interurban Railway where it crosses the Edmonton Dunvegan and British Columbia Railway in northwest quarter-section 25, township 53, range 25, west fourth meridian.

December 16.—Inspection of the line of the Kettle Valley Railway *re* street crossings near Penticton, section A.

December 16.—Inspection of the line of the Canadian Northern Ontario Railway from Ottawa to Sydenham, Ont.



December 16.—Inspection of road crossings between mile 50 and 57.4 near Penticton, on the line of the Kettle Valley Railway.

December 16.—Inspection of street crossings in town of Penticton, on the line of the Kettle Valley Railway.

December 16.—Inspection of road crossings between mile 50 and 57.5, near Penticton, on the line of the Kettle Valley Railway.

December 18.—Inspection of the line of the Canadian Northern Railway *re* road crossing between sections 3 and 4, 29-7, west 4th meridian.

December 19.—Inspection of the line of the Canadian Northern Railway Saskatoon-Calgary branch *re* drainage under track for Phillip Phipps.

December 19.—Inspection of the Canadian Pacific Railway *re* Soo branch line diversion and grade revisions.

December 19.—Inspection of new subway on the line of the Grand Trunk Railway at Cardinal, Ont.

December 19.—Inspection *re* fencing on the line of the Canadian Northern Railway near Big Valley.

December 19.—Inspection of the line of the Canadian Northern Railway *re* condition of road-bed near Camrose.

December 21.—Inspection of interlocking plant where the Canadian Pacific Railway Molson cut-off crosses the Canadian Northern Railway Birds Hill branch.

December 22.—Inspection *re* city of Brandon crossing track of Canadian Northern Railway on First street, with tracks of Brandon Municipal Railway.

December 22.—Inspection of approaches to Victoria Jubilee bridge at St. Lambert and Point St. Charles, Montreal, on the line of the Grand Trunk Railway.

December 23.—Inspection for opening for traffic of the Canadian Northern Railway from mileage 52 of its Oakland branch.

December 29.—Inspection of interlocking plant where Canadian Pacific Railway Emerson branch crosses the Canadian Northern main line in St. Boniface, Man.

December 29.—Inspection of interlocking plant where the Grand Trunk Pacific Stock yards spur crosses the Canadian Northern Railway in St. Boniface, Man.

December 29.—Inspection for opening for traffic of Canadian Pacific Railway, Medicine Hat subdivision, mile 0 to mile 5.

December 30.—Inspection of highway crossing on the line of the Canadian Pacific Railway at Glen Norman.

December 30.—Inspection *re* Heubach's spur (Canada Cement Company). File No. 15772.

January 3.—Inspection for opening for traffic of Canadian Northern Railway revised location across Rainy Lake, Ont., mileage 224.3 to 226.4, distance of 2.1 miles.

January 5.—Inspection of interlocking plant where Grand Trunk Pacific crosses the Canadian Northern Railway main line on Empire avenue, Fort William.

January 5.—Inspection *re* level crossing, subway, or overhead bridge at Heath street, Fort William, on the lines of the Canadian Pacific, Canadian Northern and Grand Trunk Pacific Railways.

January 6.—Inspection of Mountain, Aqueduct and Grey Street subways, Montreal, on the line of the Canadian Pacific Railway.

January 6.—Inspection of Decarie Avenue subway, Westmount, on the line of the Canadian Pacific Railway.

January 7.—Inspection of the line of the Grand Trunk Railway *re* crossing asked for by municipality of Stanfold, Que.

January 7.—Inspection of the Canadian Pacific Railway second track, Moosejaw subdivision, from mileage 67.7 to 76.8, distance of 9.1 miles.

January 7.—Inspection of the line of the Canadian Northern Ontario Railway crossing highway between concessions 12 and 13, township of Chisholm.

## SESSIONAL PAPER No. 20c

January 8.—Inspection of the line of the Grand Trunk Railway *re* condition of track, Barrington, Que.

January 8.—Inspection of the line of the Canadian Pacific Railway along property of Mr. Du Cailloud, townships of McKim and Neelon, near Sudbury, Ont.

January 8.—Inspection of part of the line of the Canadian Pacific Railway, Weyburn Lethbridge line from Woodrow, mileage 145.7, to Shaunavon, mileage 230.8, distance 85.1 miles.

January 8.—Inspection for opening for traffic of Canadian Pacific Railway new second track, Swift Current subdivision from Waldeck, mileage 99.4 to Eaman, mileage 109.4, distance 10 miles.

January 8.—Inspection of the Weyburn-Stirling branch from mileage 0 to 26, with a view to relieving speed limit.

January 8.—Inspection of new second track of the Canadian Pacific Railway, Medicine Hat subdivision, from Swift Current subdivision to Java, distance of 6 miles.

January 9.—Inspection *re* uncompleted condition of road allowance at dam in sections 8 and 17-8-17, west 2nd meridian, rural municipality of Brokenshell, No. 68.

January 10.—Inspection of second track of Canadian Pacific Railway between Hedge, mileage 124.6, and Port Arthur, mileage 70.9, and Woman river, mileage 86, Chapleau subdivision.

January 14.—Inspection of the line of the Grand Trunk Railway *re* King Street crossing, Berlin, Ont.

January 14.—Inspection of the line of the Canadian Northern Railway *re* properly grading road across their tracks at 3rd street, Bladworth, Sask.

January 15.—Inspection of double track branch line of the Grand Trunk Pacific from a point near Vickers street, along William street, to waterfront, crossing tracks of Canadian Northern Railway through West Algoma Agricultural Association Grounds across tracks of Port Arthur and Fort William Electric Railway, and across four tracks of the Canadian Pacific Railway.

January 15.—Inspection *re* removal, by the Canadian Pacific Railway, of spur track at Matlock station on the Winnipeg Beach branch of the Canadian Pacific Railway.

January 15.—Inspection of swing bridge across Sydenham river, Wallaceburg, Ont., on the line of the Canadian Pacific Railway.

January 16.—Inspection of the line of the Grand Trunk Pacific Railway, mile 1134.5 to mile 1279.

January 16.—Inspection of the line of the Canadian Pacific Railway *re* Toronto-Sydenham road crossing, Barkeley, Ont.

January 20.—Inspection of highway crossing between Lyn and Brockville on the Grand Trunk Railway, on lot 21, concession 1, township of Elizabethtown, mileage 127.77 from Montreal.

January 20.—Inspection of the line of the Canadian Pacific Railway *re* Keele Street subway, west Toronto.

January 20.—Inspection of bridges on the line of the Canadian Pacific Railway, Muskoka subdivision.

January 21.—Inspection of interlocking plant where Canadian Pacific Railway and Algoma Central and Hudson Bay Railway cross each other at Franz, Ont.

January 21.—Inspection of proposed crossing of Central street, Simcoe street, Albert street, and Prospect street by the Campbellford, Lake Ontario and Western Railway at Oshawa, Ont.

January 21.—Inspection of the line of the Canadian Pacific Railway, Swift Current S.E. branch from mileage 0 to 27.5, with a view to relieving speed limit.

January 22.—Inspection *re* crossing at east end of Guernsey yards, section 34-33-3, rural municipality of Usburne, No. 310.

5 GEORGE V., A. 1915

January 23.—Inspection of the Canadian Pacific Swift Current branch (S.E.) from mileage 27.5 to mileage 43.6, with a view to relieving speed limit.

January 23.—Inspection of the line of the Canadian Northern Railway, Drumheller to Calgary, mile 314.7 to mile 398.8.

January 23.—Inspection of wreck on the line of the Canadian Pacific Railway at Westmeath, Ont.

January 28.—Inspection *re* spur track leading from the Canadian Pacific Railway "D" yard into premises of B. Schragge.

January 28.—Inspection of site of Canada Explosive Company Magazine, on line of the Grand Trunk Railway, Blue Bonnets, *re* complaint of Rev. Desrosiers, of St. Pierre.

January 29.—Inspection of the line of the St. Lawrence and Adirondack Railway *re* crossing under railway bridge, Chateauguay, Que.

January 31. Inspection of bridge No. 25.7, Laggan subdivision of the Canadian Pacific Railway.

February 3.—Inspection of the line of the Kettle Valley Railway west of Penticton, 18 miles and west of Carmi to mile 76.

February 5.—Inspection *re* Mark Smith's farm crossing about mile 28, on the line of the Kettle Valley Railway.

February 6.—Inspection of farm crossing of J. J. Mason, just west of Oakville, on the line of the Grand Trunk Railway.

February 7.—Inspection of the line of the Canadian Northern Railway through Port Arthur.

February 7.—Inspection of bridge No. 92.3, Boundary subdivision of the Canadian Pacific Railway.

February 9.—Inspection of bridge 176.9 on Calgary subdivision of the Canadian Pacific Railway.

January 23.—Inspection of the Canadian Pacific Swift Current branch (S.E.) dian Pacific Railway.

February 11.—Inspection of bridge No. 49.4, Red Deer subdivision of the Canadian Pacific Railway.

February 11.—Inspection of bridge No. 88, Red Deer subdivision of the Canadian Pacific Railway.

February 12.—Inspection of bridge over Jasper Avenue subway, Edmonton subdivision of the Canadian Pacific Railway.

February 12.—Inspection of high-level bridge over Saskatchewan river, Edmonton subdivision of the Canadian Pacific Railway.

February 12.—Inspection of bridge at Saskatchewan Avenue subway, Edmonton subdivision of the Canadian Pacific Railway.

February 12.—Inspection of the line of Asquith to Conquest branch of the Canadian Pacific Railway from a point on Pheasant Hills branch near Asquith, from mileage 41.62 to a point near Conquest on Moosejaw northwest branch; and of highways, mileage 0 to 41.62.

February 12.—Inspection *re* condition of trestle at Fort Saskatchewan crossing on line of the Canadian Northern Railway.

February 13.—Inspection *re* fencing of main line of the Grand Trunk Pacific at Kinsella, Alta.

February 16.—Inspection of bridges on the line of the Canadian Pacific Railway, Havelock and Toronto subdivisions, Ontario division.

February 16.—Inspection of the line of the Grand Trunk Pacific Railway *re* crossings in townships 34-1 and 2 west third meridian, rural municipality of Blucher, No. 343, Bradwell, Sask.

February 17.—Inspection of Northwest Boundary Road crossing, Streetsville Junction, township of Toronto, on line of the Canadian Pacific Railway.



## SESSIONAL PAPER No. 20c

February 13.—Inspection of Dundas street crossing, Cooksville, Ont., township of Toronto, on line of the Canadian Pacific Railway.

February 17.—Inspection of Hurontario Road crossing, Cooksville, Ont., township of Toronto, on line of the Canadian Pacific railway.

February 17.—Inspection of subway at Shawinigan Falls, Que., on line of the Canadian Northern Quebec Railway.

February 18.—Inspection *re* removal from and off Selkirk avenue of a certain spur track which connects the Canadian Pacific Railway Selkirk line.

February 18.—Inspection of bridges on the line of the Canadian Pacific Railway, Hamilton and St. Thomas and London subdivision, Ontario division.

February 18.—Inspection of proposed location of 6 inch water main on Sixth street in town of New Toronto, for supplying the Grand Trunk Yards at Mimico, Ont.

February 19.—Inspection of bridges on the line of the Grand Trunk Railway, eastern division, at Napanee river.

February 19.—Inspection of bridge on the line of the Canadian Pacific Railway, Eastern division, Brockville subdivision.

February 19.—Inspection of crossing of highway between lots 21 and 22, concession 1, township of Whitby, on the line of the Campbellford, Lake Ontario and Western Railway.

February 19.—Inspection of proposed subway at mile 32.1, Lacombe bridge, on the line of the Canadian Pacific Railway.

February 21.—Inspection of bridge 0.3 on Calgary subdivision of the Canadian Pacific Railway.

February 21.—Inspection of bridge No. 60.6 on Calgary subdivision of the Canadian Pacific Railway.

February 21.—Inspection of bridge 63.3 on Calgary subdivision of the Canadian Pacific Railway.

February 21.—Inspection of bridge 90.2, on Calgary subdivision of the Canadian Pacific Railway.

February 33.—Inspection of track on the line of the Grand Trunk Railway, *re* derailment, Casselman, Ont.

February 25.—Inspection of accident on the line of the Canadian Pacific Railway at Mountain, Ont.

February 26.—Inspection of grade separation at crossing of the Campbellford, Lake Ontario and Western Railway with the Thurlow Railway, near Belleville.

February 27.—Inspection of highway crossing at boundary between townships of Portland and Camden on the line of the Canadian Northern Ontario Railway.

February 27.—Inspection of roadway made by Canadian Northern Ontario Railway at crossing between concessions 4 and 5, township of Portland.

March 3.—Inspection of proposed crossing of road between lots 2 and 3, concession 4, township of Scarborough by the line of the Campbellford, Lake Ontario and Western Railway.

March 4.—Inspection of John Bowerman's farm crossing, lot 13, concession 1, township of South Norwich, on the line of the Michigan Central Railway, near Cornell, Ont.

March 5.—Inspection *re* interswitching between the Grand Trunk Railway and Canadian Pacific Railway at Owen Sound, Ont.

March 5.—Inspection *re* streets constructed across tracks of the Emerson branch of the Canadian Pacific Railway in the city of St. Boniface.

March 5, 6, 7.—Inspection of bridges on the Eastern divisions of the Canadian Pacific and Grand Trunk Railways.

March 6.—Inspection of Davis siding on the line of the Canadian Pacific Railway, Montreal.

March 6.—Inspection for opening for traffic Canadian Pacific Railway bridge 0.41, Fort William Terminals.

5 GEORGE V., A. 1915

March 6.—Inspection on the line of the Grand Trunk Pacific Railway *re* opening Stanley and Wallbridge avenues, Fort William, across Grand Trunk Pacific right of way.

March 9.—Inspection of the Campbellford, Lake Ontario and Western Railway business spur at Trenton, Ont.

March 10.—Inspection of bridges on the Middle division of the Grand Trunk Railway.

March 11.—Inspection of bridges on Ontario division of the Canadian Pacific Railway.

March 11.—Inspection of highway crossing, Prairie siding on the line of the Grand Trunk Railway.

March 13.—Inspection of bridges on the Northern division of the Grand Trunk Railway.

March 13.—Inspection of highway crossing between lots 49, concession 1, township of Camden, and lot 16, concession 3, township of Portland, on the line of the Canadian Ontario Railway.

March 14.—Inspection of crossings over the line of the Canadian Northern Railway, Rosburn subdivision, near Elphinstone, and temporary private crossing section 8-18-21, W.P.M.

March 16.—Inspection on the line of the Canadian Northern Railway *re* spur for J. H. Carlton to serve lots 24-25 and 29, block 12, D.G.S. St. John, plan 12, Winnipeg, and crossing May street and Heaton avenue.

March 18.—Inspection of proposed subway under Canadian Pacific Railway Pembina branch on Logan avenue.

March 18.—Inspection of J. Hutt's farm crossing at Winchester, on the line of the Canadian Pacific Railway.

March 18.—Inspection of bridges on Eastern division of the line of the Canadian Pacific Railway.

March 19.—Inspection of the line of the Grand Trunk Pacific *re* condition of road along Empire avenue, Fort William.

March 25.—Inspection of bridge 131.3, Brandon subdivision of the Canadian Pacific Railway.

March 26.—Inspection of A. Thout's farm crossing, and land adjoining public road, Iberville, Que., on the line of the Canadian Pacific Railway.

March 26.—Inspection of cattle pass for Mr. Ketcheson, lot 28, concession 1, township of Sydney on the line of the Campbellford, Lake Ontario and Western Railway.

March 27.—Inspection of bridge on Eastern division of the Canadian Pacific Railway.

March 28.—Inspection of bridge at mileage 63.3, Lac Du Bonnet subdivision of the Canadian Pacific Railway.

March 28.—Inspection of Red River bridge, Winnipeg terminals.

SESSIONAL PAPER No. 20c

## APPENDIX F.

REPORT OF OPERATING DEPARTMENT FOR THE YEAR ENDING  
MARCH 31, 1914.

During the year ending March 31, 1914, accidents to the number of 2,040 were reported by the various railway companies under the jurisdiction of the board, covering 594 persons killed and 1,899 persons injured, as set forth in statement No. 1.

The total number of persons killed and injured, and the nature of the accidents on each railway during the year, is set forth in statement No. 2.

Statement No. 3 shows, separately, the number of passengers, employees and others killed and injured, and the nature of the accidents.

The increases and decreases in the various accidents during the year, compared with similar accidents in the preceding year, are set forth in statement No. 4, and which shows a decrease of 49 in the number of killed and 332 in the number of injured, indicating that the "Safety First" system has, on the whole, obtained some success.

The increases and decreases in accidents, separately, for each railway, compared with like accidents in the preceding year, are shown in statement No. 5.

The increases and decreases in the total accidents to passengers, employees and others, as compared with like accidents in the preceding year, are set forth in statement No. 6.

Statement No. 7 enumerates the collisions attended by personal injury investigated during the year.

Statement No. 8 enumerates the derailments attended by personal injury investigated during the year.

Statement No. 9 enumerates the highway crossing accidents attended by personal injury investigated during the year.

Statement No. 10 enumerates the various other accidents not covered by statements 7, 8, and 9, attended by personal injury, investigated during the year.

Statement No. 11 shows that during the year, accidents to the number of 714, covering 238 persons killed and 938 persons injured, were investigated, as against 621 accidents investigated during the preceding year, covering 277 persons killed and 865 persons injured.

The number of highway crossing accidents, separately for each province and railway, is set forth in statement No. 12.

The number of highway crossings inspected and reported upon at which accidents happened attended by personal injury, is set forth in statement No. 13.

Statement No. 14 enumerates the highway crossings complained of as being dangerous, requiring protection, which were inspected and reported upon.

The highway crossings at which protection was ordered, and the nature of the protection, are enumerated in statement No. 15.

Statement No. 16 shows the various station locations examined and approved during the year.

Statement No. 17 shows the number of cars inspected and defects noted during the year.

Statement No. 18 sets out in detail the various defects covered by the headings appearing in statement No. 17.

Statement No. 19 is a comparative statement of cars inspected and defects noted as per statement No. 17 between the years 1913 and 1914.



5 GEORGE V., A. 1915

The reader will observe from a perusal of statement No. 4 that there is an increase of 20 in the number of persons killed by derailments, and a decrease in the number of persons injured of 60. Out of a total of 39 persons killed and 237 persons injured in derailments, 21 passengers were killed and 176 passengers injured, representing 53.9 per cent and 68.4 per cent respectively.

As regards the number of persons killed and injured in collisions, the figures under "head-on" collision show a decrease of 19 killed and 79 injured. There were no passengers killed as the result of head-on collisions, only 2 injured. In the case of "rear-end" collisions, it will be observed that there is an increase of 2 killed and 67 injured. There were no passengers killed as the result of rear-end collisions, only 9 injured.

Under the heading "trespassers" the figures show an increase in the number of injured of 48, while the number of killed decreased by 13.

The figures under the heading "highway crossing protected" show an increase of 7 killed and 17 injured, and under the heading "highway crossing unprotected" the figures show an increase of 15 killed and 36 injured. A careful perusal of this statement will show the necessity for a further extension of some form of protection, or a reduction in the number of level crossings.

Under the headings "adjusting couplers, etc.," "unclassified," and "working on track or bridge," the reader will observe a decrease as regards both killed and injured, but there is still room for much improvement.

It will be observed under the heading "locomotive dropped crown sheet" that there is a decrease in the injured of 6, and an increase in the killed of 1.

The inspection of locomotive boilers and their appurtenances has been carried on systematically during the year, and from the small number of accidents that have been reported in this connection (particulars contained in statement No. 10) it is quite apparent that the railway companies are complying with order No. 14115, as per the monthly and annual reports for each locomotive filed with the board.

The inspection of fire protective appliances and safety appliances on locomotives under general orders Nos. 102 and 107, shows that these very important features are being carefully watched.

A systematic inspection of station buildings and grounds has been carried on throughout the year, in addition to the inspection of passenger equipment as regards sanitary conditions, etc.

In addition to the above mentioned matters, the inspectors have inquired into complaints of a general character referred to the department by the board, to the number of, approximately, 800, and have also reported upon a large number of matters, observed while doing other work, taken up in an informal way and settled directly with the railway companies by the department.

The activity displayed by some of our railways in the "Safety First" movement is commendable, and its extension to a greater number of the lines is recommended. The attention of the railway employees should also be called to the great amount of suffering and distress that can be saved themselves by its application, in their various lines of work.

## SESSIONAL PAPER No. 20c

STATEMENT No. 1.—Showing the Number of Persons Killed and Injured on various Railways in Canada under the jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Passengers.		Employees.		Other Persons.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk .....	7	80	65	242	99	126	171	418
Canadian Pacific .....	18	147	131	244	166	91	315	482
Canadian Northern .....		15	13	260	11	31	24	306
Grand Trunk Pacific .....		11	12	132	5	14	17	157
Toronto, Hamilton and Buffalo .....		5	3	123	4	7	7	135
Canadian Northern, Quebec .....		3	4	48	6	4	10	55
Père Marquette .....		7	3	44	1	3	4	54
Algoma Central and Hudson Bay .....					1		1	
London and Lake Erie .....			1				1	
Winnipeg Joint Terminals .....		2		17		4		23
Atlantic, Quebec and Western .....					1		1	
Wabash .....		9		2	1	1	1	12
Quebec, Montreal and Southern .....				9	2	2	2	11
Windsor, Essex and Lake Shore .....					1	1	1	1
New Brunswick and P.E.I. .....				1				1
British Columbia .....					1		1	
Michigan Central .....		9	7	36	4	8	1	53
Moncton and Buctouche .....			4	2			4	2
Central Ontario .....			1	1	1		2	1
Central Vermont .....	6	12	1	4	1		8	16
Dominion Atlantic .....						3		3
Temiscouata .....					1		1	
St. Lawrence and Adirondack .....		4		9		1		14
Morrissey, Fernie and Michel .....		4	1	8		1	1	13
Vancouver and Victoria .....		1		16	2	2	2	19
Boston and Maine .....				4				4
The Hereford .....						1		1
Ottawa and New York .....				8		1		9
Niagara, St. Catharines and Toronto .....					2	1	2	1
Canadian Northern, Ontario .....		29		33	2	4	2	66
Montreal and Southern Counties .....					1		1	
Bay of Quinté .....		1	1	6			1	7
Maine Central .....						3		3
Esquimalt and Nanaimo .....			2	1	1	1	3	2
	31	339	249	1,250	314	310	594	1,899

STATEMENT No. 2.—Statement showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Derailment.		Collision head-on.		Collision rear-end.		Collision in yard.		Collision with cars standing foul of main line.		Collision with cars account open switch.		Collision at level crossing.		Public highway crossing protected by gates.		Public highway crossing protected by bell.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	6	45	2	6	5	8	16	24			4	3		28	9	10		1
Canadian Pacific.....	17	129	4	15	9	13	2	3		7	1			1	1	2		4
Canadian Northern.....	3	7		6								12	7					
Grand Trunk Pacific.....	1	19																
Toronto, Hamilton and Buffalo.....	1	2						5	1									
Canadian Northern Quebec.....				1									1	3				
Pere Marquette.....		1																
Algoma Central and Hudson Bay.....																		
London and Lake Erie.....																		
Winnipeg Joint Terminals.....		1						3							1			
Atlantic, Quebec and Western.....											1							
Wabash.....								9										
Quebec, Montreal and Southern.....																		
Windsor, Essex and Lake Shore.....																		
New Brunswick and P. E. Island.....																		
British Columbia.....	1	10						1									2	
Michigan Central.....	4	2																
Moncton and Pictouche.....																		
Central Ontario.....																		
Central Vermont.....	7	14				1												
Dominion Atlantic.....																		
Temiscouata.....																		
St. Lawrence and Adirondack.....									4									
Morrissey, Fernie and Michel.....																		
Vancouver-Victoria.....				1														
Boston and Maine.....																		
The Herford.....																		
Ottawa and New York.....																		
Niagara, St. Catharines and Toronto.....																		
Canadian Northern Ontario.....	33					1		3										
Montreal and Southern Counties.....																		
Bay of Quinte.....		3																
Maine Central.....																		
Esquimalt and Nanaimo.....			1															
	39	257	7	29	14	23	18	55	8		5	17	1	39	10	13	1	6



## SESSIONAL PAPER No. 20c

STATEMENT No. 2.—Showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Public highway crossing protected by watchman.		Public highway crossing unprotected.		Private crossing.		Trespassing.		Working on under engine.		Unclassified.		Adjusting couplers coupling and uncoupling.		Working on track or bridge.		Falling off hand car motor or velocipede.		Hand car motor, velocipede struck by train.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	4	9	11	36	1	1	63	64	2	29	...	42	3	18	2	12	1	2	2	2
Canadian Pacific.....			24	25	1		140	57		12	18	41	6	11	15	13	1	6	9	7
Canadian Northern.....	2	1		7	1	1	7	16	1	16	3	84	1	9	...	28	...	7	1	
Grand Trunk Pacific.....				1			6	3	2	10	1	22	1	9	1	16	...	6		
Toronto, Hamilton & Buffalo.....				1			4	4	...	6	1	40	...	...	...	22	...	5	1	1
Canadian Northern Quebec.....				1			5	3		2	1	14	1	1	...	6	...	...		
Pere Marquette.....				3			1	1		7	2	18	...	1	...	1	...	...		
Algoma Central & Hudson Bay.....							1	1					...	...	...	...	...	...		
London & Lake Erie.....													...	...	...	...	...	...		
Winnipeg Joint Terminals.....	1			1			1	1	1	1	2	...	...	1	...	2	...	...		
Atlantic, Quebec & Western.....							1	1					...	...	...	...	...	...		
Wabash.....							1	1					...	...	...	...	...	...		
Quebec, Montreal & Southern.....			1	2			1	1		2	1	...	...	1	...	4	...	...		
Windsor, Essex & Lake Shore.....			1				1	1					...	...	...	...	...	...		
New Brunswick & P. E. Island.....			1				1	1					...	...	...	...	...	...		
British Columbia.....									1				...	...	...	...	...	...		
Michigan Central.....							3	5		5	5	...	...	2	...	1	...	1		
Moncton & Buctouche.....	1		2	1									...	...	...	...	...	...		
Central Ontario.....							1	1			1	...	...	1	...	...	...	...		
Central Vermont.....							1	1					...	...	...	...	...	...		
Dominion Atlantic.....				2			1	1					...	...	...	...	...	...		
Temiscouata.....			1										...	...	...	...	...	...		
St. Lawrence & Adirondack.....												4	...	2	...	2	...	...		
Morrissey, Fernie & Michel.....							1	1				2	...	2	...	...	...	...		
Vancouver & Victoria.....			1				1	1				3	...	1	...	6	...	...		
Boston & Maine.....												3	...	...	...	...	...	...		
The Hereford.....								1				3	...	...	...	...	...	...		
Ottawa & New York.....										1	3	...	...	...	...	2	...	1	1	
Niagara, St. Catharines & Toronto.....			1				1	1				...	...	...	...	...	...	2	1	
Canadian Northern Ontario.....			1				1	4		1	8	...	...	...	...	1	...	...	1	
Montreal & Southern Counties.....											1	1	...	...	...	1	...	...		
Bay of Quinte.....								1			1	1	...	...	...	...	...	...		
Maine Central.....				2								1	...	...	...	...	...	...		
Esquimaux & Nainimo.....			1	1				1					...	...	...	...	...	...		
	6	12	44	84	2	3	238	164	6	92	29	293	11	60	18	117	2	30	10	13

STATEMENT No. 2—Showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Crawling under cars.		Crawling through cars over couplers.		Caught while passing through cars between couplers.		Cars standing foul.		Struck by switch stand, water spout, mail crane, &c.		Crushed between cars, millings, lumber piles, &c.		Explosion of locomotive boiler.		Falling off passenger train.		Falling off tender while handling coal.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....																		
Canadian Pacific.....		1			1	2		2	3	8		3		2	3	1	2	
Canadian Northern.....		1			5	1	2	12	1	2	1	2		4	10			
Grand Trunk Pacific.....		1						1		2		1					2	
Toronto, Hamilton & Buffalo.....										2				1			1	
Canadian Northern, Quebec.....								1		1	1							
Pere Marquette.....										1								
Algoma Central & Hudson Bay.....																		
London & Lake Erie.....																		
Winnipeg Joint Terminals.....																		
Atlantic, Quebec & Western.....																		
Wabash.....										1								
Quebec, Montreal & Southern.....																		
Windsor, Essex & Lake Shore.....																		
New Brunswick & P. E. Island.....																		
British Columbia.....																		
Michigan Central.....						1				1	2	1						1
Moncton & Buctouche.....																		
Central Ontario.....																		
Central Vermont.....																		
Dominion Atlantic.....																		
Tennessean.....																		
St. Lawrence & Adirondack.....																		
Morrissey, Fernie & Michel.....										1								
Vancouver & Victoria.....										1								
Boston & Maine.....																		
The Hereford.....																		
Ottawa & New York.....										1								
Niagara, St. Catharines & Toronto.....																		
Canadian Northern, Ontario.....																1		
Montreal & Southern Counties.....																		
Bay of Quinte.....																1		
Maine Central.....																		
Esquimalt & Nanaimo.....																		
	3				6	4	2	16	4	21	4	7		6	17	1		7

SESSIONAL PAPER No. 20c

STATEMENT No. 2. — Showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year ending March 31, 1914.

Name of Railway.	Falling off tender while taking water.		Working in shop.		Riding on pilot of engine.		Over-head bridge.		Repairing cars on repair track when moved by engine.		Falling off top of car while walking over train.		Falling between cars going over top.		Train parting and colliding.		Jumping off train in motion.		Attempt to board train in motion.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk	1				3		2	1			14		2		6		1		2	11
Canadian Pacific	1				3		1				12		1		24		6		4	14
Canadian Northern					5				1		4		1				6			8
Grand Trunk Pacific	2		56								6								1	5
Toronto, Hamilton, and Buffalo				11	1												5		2	2
Canadian Northern (Quebec)	1		4				1		1		1		1		2		1		1	1
Pere Marquette			10																	1
Algoma Central and Hudson Bay																				
London and Lake Erie																				
Winnipeg Joint Terminals											2									
Atlantic, Quebec & Western			1														1			
Wabash																				
Quebec, Montreal and Southern																				
Windsor, Essex and Lake Shore																				
New Brunswick and P.E. Island																				
British Columbia																				
Michigan Central													1						1	
Moncton and Buctouche											2						3			
Central (Maine)	1																			
Central Vermont																				
Dominion Atlantic																				
Tennessean																				
St. Lawrence and Adirondack																				
Morrissey, Fermic and Michel																			1	
Vancouver and Victoria					1															
Boston and Maine					1												1			
The Hereford																			1	
Ottawa and New York																				
Niagara, St. Catharines and Toronto																				
Canadian Northern Ontario																				
Montreal and Southern Counties																			1	
Bay of Quinte																				
Maine Central																			1	
L'Esquimault and Nanantuo																				
	6		105		3	14	2	3	1	4	41	2	5		7	8	55	8		47



STATEMENT No. 2.—Showing the Character of Accidents sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for the Year Ending March 31, 1914.

Name of Railway.	Washout.		Bridge gave out or burnt.		Electrocuted.		Run down in yard by switch or other engines or moving cars.		Passing too close around end of string of cars.		Caught in frog, guard rail or switch rod.		Caught while throwing switch.		Falling off cars while climbing up and coming down side or end ladders.		Falling off cars while working hand brakes.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk .....							20	20							3		3	
Canadian Pacific .....							28	27	1		1				5		1	3
Canadian Northern .....					1		2	4				1					1	3
Grand Trunk Pacific .....							2	4				1			1			2
Toronto, Hamilton and Buffalo .....							1	2							1			
Canadian Northern Quebec .....																		
Pete Marquette .....											1							
Algoma Central and Hudson Bay .....																		
London and Lake Erie .....					1													1
Winnipeg Joint Terminals .....																		
Atlantic Quebec and Western .....																		
Wabash .....																		
Quebec, Montreal and Southern .....																		
Windsor, Essex and Lake Shore .....																		
New Brunswick and P.E.I. .....																		
British Columbia .....																		
Michigan Central .....							2	1							2			1
Moncton and Pictou .....																		
Central Ontario .....																		
Central Vermont .....							1											
Dominion Atlantic .....																		
Tennessean .....																		
St. Lawrence and Adirondack .....							1											
Morrissey, Fernie and Michel .....																		
Vancouver and Victoria .....																		
Boston and Maine .....																		
The Hartford .....																		
Ottawa and New York .....																		
Niagara, St. Catharines and Toronto .....																		
Canadian Northern Ontario .....								1							1			
Montreal and Southern Counties .....																		
Bay of Quinte .....																		
Maine Central .....							1											
Esquimalt and Nanaimo .....																		
					2		56	64	1	1	1	4		1	13	2	12	

## SESSIONAL PAPER No. 20c

STATEMENT No. 2.—Showing the Character of Accidents sustained by the Persons Killed and Injured, on the various Railways under the Jurisdiction of the Board for the year ending March, 31, 1914.

	Asphyxiated in tunnel.	Handling freight.	Loading and unloading material.	Building and repairing.	Working in coal chute.	Cars moved while loading and unloading.	Draw-bridge open.	Repairing cars on track when moved by engine.	Locomotive dropping crown sheet of firebox.	Total.
	K. I.	K. I.	K. I.	K. I.	K. I.	K. I.	K. I.	K. I.	K. I.	K. I.
Grand Trunk.....	1									
Canadian Pacific.....		9	1		4					171 448
Canadian Northern.....		1	3						2	315 482
Grand Trunk Pacific.....		11	13	3	1	1				24 306
Toronto, Hamilton & Buffalo.....			2					1	2	17 157
Canadian Northern Quebec.....	1	12	8							7 135
Pere Marquette.....		4	1	1	1			1		10 55
Algoma Central & Hudson Bay.....		3	2							4 54
London & Lake Erie.....										1
Winnipeg Joint Terminals.....			1			1				1
Atlantic, Quebec & Western.....										23
Wabash.....										1
Quebec, Montreal & Southern.....				1						1 12
Windsor, Essex and Lake Shore.....										2 11
New Brunswick & P.E.I.....										1 1
British Columbia.....										1
Michigan Central.....			2					1		1
Moncton & Pictouche.....										53
Central Ontario.....										2 2
Central Vermont.....										1 1
Dominion Atlantic.....										8 16
Tempscouda.....										3
St. Lawrence & Adirondack.....			1							11 53
Morrissey, Fernie & Mich.-										4 2
Vancouver & Victoria.....		1	4							2 1
Boston & Maine.....										8 16
The Hereford.....										1 3
Ottawa & New York.....										14 14
Niagara, St. Catharines & Toronto.....						1				13 13
Canadian Northern Ontario.....		1	1	1						19 19
Bay of Quinte.....					2					4 4
Maine Central.....										1 1
Esquimalt & Nanaimo.....										2 2
Montreal & Southern Counties.....	1									3 1
		1 45	3 50	10	1 7	6 1	1	4 4	2 4	504 1899

5 GEORGE V., A. 1915

STATEMENT NO. 3.—Showing separately the Number of Passengers, Employees and others Killed and Injured; and the Nature of the Accidents, for the year ending March 31, 1914.

Character of Accidents.	Passengers.		Employee.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	21	176	17	78	1	3	39	257
Collision head on.....		2	6	27	1		7	29
Collision rear end.....		9	13	14	1		14	23
Collision in yard.....		18	17	34	1	3	18	55
Collision with cars standing foul of main line.....		3		5				8
Collision with cars account open switch.....		12	5	5			5	17
Collision at level crossing.....		10	1	15		14	1	39
Highway crossing protected by gates.....				1	10	12	10	13
Highway crossing protected by bell.....					1	6	1	6
Highway crossing protected by watchman.....				1	6	11	6	12
Highway crossing unprotected.....			2	10	42	74	44	84
Private crossing.....					2	3		3
Trespassing.....			9	12	229	152	238	164
Working on or under engine.....		1	4	90	2	1	6	92
Unclassified.....	1	49	22	226	6	18	29	293
Adjusting couplers coupling and uncoupling.....		1	10	59	1		11	60
Working on track or bridge.....			18	116		1	18	117
Falling off hand car, motor or velocipede.....			2	29		1	2	30
Hand car, motor, velocipede struck by train.....			9	13	1		10	13
Crawling under cars.....		1		2				3
Creeping between cars over couplers.....								
Caught while passing through cars between couplers.....			5	4	1		6	4
Cars standing foul.....			2	16			2	16
Struck by switch stand, water spout, etc.....			4	20		1	4	21
Crushed between cars, buildings, platform, etc.....		3	4	4			4	7
Explosion of locomotive boiler.....								
Falling off passenger train.....	3	14	3	3			6	17
Falling off tender while handling coal.....			1	7			1	7
Falling off tender while taking water.....				6				6
Working in shop.....				105				105
Riding on pilot of engine.....			3	14			3	14
Overhead bridge.....			2	3			2	3
Repairing cars on repair track when moved by engine.....			1	4			1	4
Falling off top of car while walking over train.....			4	40		1	4	41
Falling between cars going over top.....			2	5			2	5
Train parting and colliding.....		1	1	6	6	1	7	8
Jumping off train in motion.....	4	17	3	36		2	7	55
Attempt to board train in motion.....		10	7	32	1	5	8	47
Washout.....								
Bridge gave way or burnt.....								
Electrocuted.....			2				2	
Run down in yard by switch or other engines or moving cars.....	2	12	52	52	2		56	64
Passing too close around end of string of cars.....			1	1			1	1
Caught in frog, guard rail, or switch rod.....			1	4			1	4
Caught while throwing switch.....				1				1
Falling off cars while climbing ladders.....				13				13
Falling off cars while working hand brake.....			2	12			2	12
Accident in tunnel.....			1				1	
Handling freight.....			1	45			1	45
Handling O. C. S. material.....			3	50			3	50
Building and repairing.....				10				10
Working in coal chute.....			1	7			1	7
Cars moved while loading or unloading.....			1	5		1	1	6
Downed bridge.....			1				1	
Repairing cars on running track when moved by engine.....			4	4			4	4
Locomotive dropped crown sheet of fire box.....			2	4			2	4
	31	339	249	1,250	314	310	594	1,899



STATEMENT NO. 4.—Comparative Statement in Totals of Killed and Injured between Year ending March 31, 1913, and Year ending March 31, 1914, separately for each and every Accident.

Character of Accidents.	1913.		1914.		1914.							
					Increase.				Decrease.			
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.		
Derailment. . . . .	19	317	39	257	20					60		
Collision head on. . . . .	26	108	7	29					19	79		
Collision rear end. . . . .	16	90	14	23					2	67		
Collision in yard. . . . .	2	51	18	55	10	4						
Collision with cars standing foul of main line. . . . .	2			8		2			2			
Collision with cars account open switch. . . . .		15	5	17	5	2						
Collision at level crossing. . . . .			1	39	1	39						
Highway crossings protected. . . . .	10	14	17	31	7	17						
Highway crossings unprotected. . . . .	29	48	44	84	15	36						
Private crossing. . . . .	2		2	3		3						
Trespassing. . . . .	251	116	238	164		48			13			
Working on or under engine. . . . .	4	111	6	92	2					19		
Unclassified. . . . .	46	336	29	293					17	43		
Adjusting couplers, coupling and uncoupling. . . . .	29	92	11	60					18	32		
Working on track or bridge. . . . .	25	227	18	117					7	110		
Falling off hand car, motor or velocipede. . . . .	8	47	2	30					6	17		
Hand car, motor, velocipede struck by train. . . . .	16	16	10	13					6	3		
Crawling under cars. . . . .				3		3						
Crawling between cars over couplers. . . . .		1								1		
Caught while passing through cars between couplers. . . . .	7	5	6	4					1	1		
Cars standing foul. . . . .		3	2	16	2	13						
Struck by switch stand, water spout, etc. . . . .	1	21	4	21	3							
Crushed between cars, buildings, platforms, etc. . . . .	7	9	4	7					3	2		
Explosion of locomotive boiler. . . . .												
Falling off passenger train. . . . .	10	13	6	17		4			4			
Falling off tender while handling coal. . . . .		4	1	7	1	3						
Falling off tender while taking water. . . . .		8		6						2		
Working in shop. . . . .	3	176		105					3	71		
Riding on pilot of engine. . . . .	1	9	3	14	2	5						
Overhead bridge. . . . .			2	3	2	3						
Repairing cars on repair track when moved by engine. . . . .						2						
Falling off top of car while walking over train. . . . .	10	43	4	41					6	2		
Falling between cars going over top. . . . .	2	7	2	5						2		
Train parting and colliding. . . . .	1	8	7	8	6							
Jumping off train in motion. . . . .	12	53	7	55		2			5			
Attempt to board train in motion. . . . .	16	40	8	47		7			8	1		
Washout. . . . .												
Bridge gave way or burnt. . . . .									1			
Electrocuted. . . . .	3		2									
Run down in yard by switch or other engines or moving cars. . . . .	55	64	56	64	1							
Passing too close around end of string of cars. . . . .			1	1	1	1						
Caught in frog, guard rail, or switch rod. . . . .	2	7	1	4					1	3		
Caught while throwing switch. . . . .	1	5		1					1	4		
Falling off cars while climbing ladders. . . . .		15		13						2		
Falling off cars while working hand brake. . . . .		6	2	12	2	6						
Asphyxiated in tunnel. . . . .			1		1							
Handling freight. . . . .	3	52	1	45					2	7		
Handling O.C.S. material. . . . .	1	61	3	50	2					11		
Building and repairing. . . . .	4	8		10				2	4			
Working in coal chute. . . . .	1	7	1	7								
Cars moved while loading or unloading. . . . .	2	3	1	6		3			1			
Drawbridge open. . . . .			1		1							
Repairing cars on running track when moved by engine. . . . .	6	2	4	4		2			2			
Locomotive dropped crown sheet of fire box. . . . .	1	10	2	4	1					6		
Increase. . . . .					98	212						
Decrease. . . . .									134	544		
Decrease for year 1914. . . . .									49	332		



## SESSIONAL PAPER No. 20c

STATEMENT No. 6.—A Comparative Statement of Killed and Injured between Year ending March 31, 1913, and Year ending March 31, 1914.

	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Year ending March 31, 1913.....	21	410	303	1603	319	218	643	2231
31, 1914.....	31	339	249	1250	314	310	594	1899
Increase over 1913.....	10	.....	.....	.....	.....	92	.....	.....
Decrease over 1913.....	.....	71	54	353	5	.....	49	332



STATEMENT No. 7.—Showing Collisions attended by Personal Injury investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
2644	Mar. 16	McLeod, S.D. Mil. 73	C.P.R.	1	
2773	Mar. 26	Sudbury, W. of West Mile Board	C.P.R.		22
2651	Feb. 27	Port Moody	C.P.R.	5	2
2674	Feb. 11	St. Gregor	C.N.R.		1
2686	Mar. 27	Dorval, 1 mile east	C.P.R.		3
2695	Feb. 28	Dauphin Yards	C.N.R.		2
2700	Feb. 9	Middleton	C.P.R.		1
2707	Jan. 9	Fernie Yard	M.F. & M.		1
2726	Mar. 12	Harrison Mills	C.P.R.	1	1
2764	Feb. 27	Aberdeen, Sask.	C.N.R.		1
2766	Jan. 15	London	G.T.R.		3
2767	Apr. 26	Ashcroft	C.P.R.	1	
2790	Apr. 17	Toronto	G.T.R.	1	2
2791	Apr. 9	White River	C.P.R.	1	1
2793	Mar. 29	Georgetown	G.T.R.		1
2795	May 11	Fort Rouge	C.N.R.		1
2797	Apr. 14	Merriton	G.T.R.		1
2821	Apr. 9	Huntingdon	G.T.R.	1	
2827	May 7	Renfrew	G.T.R.		1
2828	May 10	Smiths Falls Yard	C.P.R.		1
2833	Apr. 18	Welland, Ont.	M.C.R.	1	
2841	May 22	Chesterville	C.P.R.		1
2859	Feb. 12	Poplar Point, Man.	C.P.R.	1	1
2886	June 21	Tofield, Alta.	G.T.P.		12
2892	June 16	Ogden	C.P.R.	1	
2897	May 19	Windsor	Wabash		8
2898	June 16	Middlemiss	Wabash		3
2903	June 19	St. Armand	C.V.R.		1
2918	June 25	Montrose Yard	M.C.R.		1
2940	June 23	Montreal, Richmond Street	G.T.R.		3
2964	June 24	London, Diamond crossing, Dundas St.	G.T.R. & St. Ry.		16
2976	July 28	St. Catherines Yard	G.T.R.	2	2
2980	July 5	Winnipeg, Man.	W.J.T.		2
2991	Mar. 6	Delhi	G.T.R.		1
2995	Aug. 22	Les Ecureuils	C.N.Q.		1
3020	Aug. 27	Richmond	G.T.R.		1
3031	Aug. 14	Tetereaultville Diamond crossing	C.N.Q. & Montreal Tram.	1	3
3033	Aug. 7	North Bay Junction	G.T.R.		1
3044	Mar. 4	Between M.P. 46 and 47	C.N.R.		6
3057	Aug. 1	Gananoque Junction	G.T.R.		2
3058	May 30	Toronto, Bathurst St., Jct.	G.T.R.		1
3076	June 19	South Coinston, 5 poles north	C.N.R.		1
3077	June 16	Aberdeen Coal dock	T.H. & B.		4
3078	Jan. 27	Hamilton, Aberdeen Yard	T.H. & B.		4
3083	Aug. 11	Turcot West Yard	G.T.R.	1	3
3085	Mar. 2	Wanstead	G.T.R.		6
3086	July 26	Maple	G.T.R.	1	1
3088	Sept. 12	Edmonton, Alberta Avenue	G.T.P. & St. Ry.		7
3106	Aug. 29	Peterborough, Charlotte Street	G.T.R. St. Ry.		5
3115	Aug. 23	Mileage 94 4	E. & N.	1	
3118	Oct. 18	Leaside Junction	C.P.R.		1
3155	Nov. 9	Kingscourt Junction	G.T.R.	3	2
3157	Dec. 19	Metaganan, Mileage 36 7	C.P.R.		3
3165	May 5	Callum, 1 mile east	C.P.R.		6
3167	Sept. 16	M.P. 46 5, White River Subdivision	C.P.R.		10
3183	Nov. 10	Mileage 31, Megantic Subdivision	C.P.R.		2
3189	Oct. 22	Pardee West Mile Board	C.P.R.	5	3
3190	Nov. 8	Niagara Falls	G.T.R.		1
3191	Oct. 17	North Regina, Fifth Ave.	C.N.R. & St. Ry.		1
3240	Nov. 11	Sudbury Yard	C.N.R.		3
3241	Dec. 24	Brockville	G.T.R.	1	1
3245	Sept. 30	Gull Lake, Sask.	C.P.R.		4

## SESSIONAL PAPER No. 20c

STATEMENT No. 7.—Showing Collisions attended by Personal Injury investigated during Year ending March 31, 1914.—*Concluded.*

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv					
3248	Dec. 3	Reston, Man. Arcola Subdivision.	C.P.R.	1	
3253	Dec. 2	Humbolt, West end of Yard.	C.N.R.		1
3259	Dec. 31	Hamilton, Aberdeen Yard.	T.H. & B.		1
3263	Dec. 27	Mileage 79·5, Portal Subdivision.	C.P.R.	1	3
3270	Dec. 12	Oshawa, 1 mile east.	G.T.R.	1	2
3272	Dec. 11	Guelph	G.T.R.		1
3280	Dec. 26	Cainsville, 1½ miles east.	G.T.R.		2
3289	Jan. 10	McAuley Junction.	G.T.R.		1
3291	Dec. 11	Beaconsfield	G.T.R.		2
3303	Feb. 21	Ottawa	G.T.R.		1
3306	Jan. 13	Toronto	G.T.R.		3
3318	Dec. 26	Mile 99½, Chapleau Subdivision.	C.P.R.	2	
3325	Jan. 1	Havelock	C.P.R.		3
3337	Feb. 17	Bury station, east of.	C.P.R.	1	
3344	Feb. 20	Outremont Yard.	C.P.R.		1
3345	Feb. 16	Bellevue, Alta	C.P.R.	1	
3362	Feb. 26	Mandaumin, Ont.	G.T.R.	1	
3363	Feb. 24	Montreal, Pt. St. Charles, Bridge St.	G.T.R. & St. Ry.		3
2912	April 1	Berlin, Wellington St. Diamond.	G.T.R. & St. Ry.		10
				37	214

STATEMENT No. 8.—Showing Derailments Attended by Personal Injury investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
2656	Feb. 13	Powossan, 3 miles south	G.T.R.		1
2659	Oct. 3	Larkin, $\frac{1}{2}$ miles west	B. of Q.		11
2675	Dec. 20	Tiny, Sask.	C.N.R.		2
2680	Apr. 13	St. Lambert, 3 miles south	C.V.R.	6	13
2718	Mar. 10	Mileage 6	C.P.R.		1
2734	May 10	Rawdon, 1 mile south	C.N.Q.		2
2735	Apr. 24	Brosseau Junction	G.T.R.		3
2748	Aug. 15	Mileage 181	C.N.R.		1
2759	Apr. 16	Mileage 73.7	C.P.R.		2
2792	Mar. 28	Limbo	C.P.R.		4
2825	May 22	Metford	C.V.R.		1
2842	May 4	Mileage 10	C.P.R.	1	
2843	Apr. 6	Mileage 36.28	C.P.R.		2
2844	Apr. 15	St. Lawrence	G.T.R.		1
2866	June 23	Mileage 19	C.P.R.		4
2861	June 19	Battle River Subdivision	C.N.R.	1	
2867	May 29	M. P. 36, $\frac{1}{2}$ mile west of Strome	C.P.R.	1	
2873	June 25	Ottawa, Mileage 3, Chalk River Sub.	C.P.R.	8	69
2877	June 15	Buxton, $\frac{1}{2}$ mile west	M.C.R.		1
2980	June 24	Actonvale	G.T.R.		3
2904	June 22	St. Armand	C.V.R.		1
2907	June 5	L'Orignal, $\frac{1}{2}$ miles west	C.N.O.		1
2925	June 1	M. P. 105	G.T.P.		1
2927	June 29	McGee, 1 mile west of	C.N.R.		1
2929	June 15	Calgary, Doddsland	G.T.P.		5
2930	May 31	Paswegin, East	C.N.R.		5
2959	July 2	Fort Erie	G.T.R.		1
2966	July 26	Lucan	G.T.R.		4
2969	Aug. 15	Canfield, Jct., East of	Wabash		9
2983	July 9	Vaudreuil Station	G.T.R.		1
3014	Aug. 17	Muskoka Yard	C.P.R.		1
3021	Aug. 22	Ottawa Nepean Yard	G.T.R.		1
3022	July 31	Mileage 383, Ottawa Subdivision	G.T.R.	5	2
3060	Aug. 13	St. Boniface, Highline	C.N.R.		1
3067	Sept. 18	Mileage 13, White River Subdivision	C.P.R.	1	
3071	Aug. 7	Pt. Stanley	P.M.R.		1
3084	May 12	Renfrew Junction	C.P.R.		1
3090	Aug. 23	North Edmonton, Sidetrack	C.N.R.		1
3105	Oct. 9	Queenston	M.C.R.	1	
3107	Sept. 2	St. Anns, $\frac{1}{2}$ mile east of	T.H. & B.		1
3135	Sept. 29	Between Renton and Jarvis	G.T.R.		12
3144	Nov. 3	Moose Jaw Yard, west of Switch	C.P.R.	2	8
3152	Oct. 6	Letellier	C.N.R.	1	
3153	July 20	Mileage 46, Schrieber Subdivision	C.P.R.		8
3164	Nov. 24	Puce, 1 mile west of	G.T.R.		6
3168	Nov. 21	Heron Bay, Mileage 72	C.P.R.	1	
3176	Oct. 5	Shonts, Alta., Pellettes Rd. Crossing	G.T.P.		1
3177	Oct. 13	Jack Fish, New Yard	C.P.R.		1
3201	Nov. 13	St. Lamberts, between St. Henri and Pt. St. Charles	G.T.R.	1	1
3208	Nov. 9	M. P. 1,175, East end of bridge	G.T.P.	1	
3214	Oct. 23	Headingley	C.N.R.		1
3218	Dec. 6	M. P. 75, Owen Sound Subdivision	C.P.R.		1
3220	Nov. 20	Pt. Credit, Brick Co's. Siding	G.T.R.		1
3233	Dec. 19	Yarker, 2 miles west of	C.N.R.		3
3235	Dec. 7	Ekfrid, Ont.	G.T.R.		1
3262	Dec. 27	Mileage 79.5, Portal Subdivision	C.P.R.	1	3
3269	Dec. 22	Meath, $\frac{1}{2}$ mile west of, near Pembroke	C.P.R.	1	2
3273	Nov. 8	China Bar, $\frac{1}{2}$ mile west	C.P.R.		1
3279	Jan. 27	Mileage 266 $\frac{1}{2}$ , North Toronto	C.N.O.		28
3287	Jan. 9	South March	G.T.R.		1
3322	Feb. 17	Mileage 94, Smiths Falls Subdivision	C.P.R.	1	10
3332	Feb. 21	Near Casselman	G.T.R.	1	
3365	Mar. 21	Mileage 21, east of East Don	C.N.R.		4
Total				34	252



## SESSIONAL PAPER No. 20c

STATEMENT No. 9.—Showing Highway Crossing Accidents Attended by Personal Injury investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
2672	Mar. 12	Port Hope, John Street.	G.T.R.		1
2673	" 4	Port Hope, Barrett Street.	G.T.R.		1
2679	" 6	Peterboro, Simcoe Street.	G.T.R.		1
2687	" 9	Pt. St. Charles, Hibernia Street	G.T.R.		1
2719	" 25	Montreal, Guy Street.	G.T.R.		1
2721	" 18	Montreal, Versailles Street	G.T.R.		3
2722	Apr. 7	Pt. Du Lac, Crossing 3 miles.	C.P.R.		1
2723	Feb. 13	Mount Forest, Queen Street.	G.T.R.		1
2724	Mar. 28	London, Waterloo Street	G.T.R.		1
2725	Feb. 24	Davidson, Road Crossing.	C.N.R.		1
2831	Apr. 20	Merrickville, First Public Crossing.	C.P.R.	1	
2732	" 20	St. Boniface, Archibald Street.	W.J.T.		1
2750	" 30	London, Burwell Street.	G.T.R.		1
2751	" 11	" "	G.T.R.		1
2752	" 25	Woodstock, Wilson Street.	G.T.R.	1	
2757	" 10	London, Talbot Street.	G.T.R.		1
2761	" 29	Cap St. Martin, Public Crossing.	C.P.R.		1
2762	May 8	Berthier Junction, Public Crossing East.	C.P.R.	2	
2766	Apr. 6	Deville, 2nd road crossing west.	G.T.P.	1	
2778	" 21	Aurora, Wellington St.	G.T.R.		1
2803	May 12	Hamilton, Bailey Street.	T. H. & B.		1
2816	" 5	Maxville, 1st crossing east.	G.T.R.		1
2822	" 3	Hochelaga, Cuvillier Street.	C.N.Q.		1
2829	" 14	Montreal, Fulford Street.	G.T.R.	1	
2832	Apr. 17	Foxboro, crossing 2 miles east.	G.T.R.		2
2851	May 30	Mileage 22. 79, crossing near St. Martins Jct.	C.P.R.		1
2852	" 19	St. Madeline, crossing east of.	G.T.R.	1	
2863	June 16	Montreal, Papineau Road.	C.P.R.		1
2864	" 7	" Mountain Street.	G.T.R.	1	
2866	May 29	" Decourculles St.	G.T.R.	1	
2878	June 5	Niagara Falls, Huron Street.	M.C.R.		1
2881	" 17	Burlington Jct., Brant Street.	C.P.R.	1	
2882	May 13	St. Thomas, Moore Street.	M.C.R.		1
2901	July 9	Sandwich, crossing east of.	W.E. & L.	1	
2922	June 1	Guelph Jct., Edinburgh street.	G.T.R.		3
2934	" 26	Burlington Jct., Brant House crossing.	G.T.R.	1	
2938	" 9	Vancouver Island, McKinnon crossing.	E. & N.	1	1
2941	" 25	St. John, Johns St.	C.P.R.		1
2943	July 26	Cobourg, University avenue.	G.T.R.	1	2
2946	June 21	Glen Robertson.	G.T.R.	1	
2948	" 25	Masson, Crossing west.	C.P.R.	1	1
2950	Aug. 5	Havelock, Concession street.	C.P.R.		2
2953	June 27	Wolverton, road between lots 9 and 10.	C.P.R.	1	
2954	July 25	Colborne, lot crossing $\frac{1}{4}$ mile west.	G.T.R.		1
2955	" 26	Cobourg, Ontario street.	C.N.O.	1	
2956	" 18	Port Dover, St. Patrick street.	G.T.R.	1	
2960	" 25	Moffatt, first public crossing west.	C.P.R.	1	1
2961	Aug. 5	Clarkson, first crossing east.	G.T.R.	1	
2962	" 5	London, William street.	G.T.R.		7
2963	June 1	Stoney Point, Tecumseh road.	G.T.R.		1
2965	July 31	Welland, Muir street.	M.C.R.		1
2975	Aug. 14	Townsend, public crossing east.	M.C.R.	1	
2993	" 10	Montreal, Rose de Lima street.	G.T.R.		1
2994	" 14	Lachine, Tenth avenue.	G.T.R.	1	
2996	June 29	Maricapolis, St. Paul street.	C.N.R.		1
2999	Aug. 1	Scarboro, Danforth road.	G.T.R.		1
3001	July 29	Wyoming, crossing 1 mile east.	G.T.R.	1	
3007	Aug. 30	Winnipeg, Godfrey avenue.	C.P.R.	1	
3013	" 6	Hastings, first crossing east.	G.T.R.		2
3027	" 13	Montreal, Colborne street.	G.T.R.		1
3030	Sept. 11	St. Justine, crossing west of station.	G.T.R.	1	1
3047	" 12	Britannia, 1st crossing east.	C.P.R.	1	
3048	Sept. 6	Little St. Martin, 1st crossing west.	C.P.R.	2	
3049	" 12	Montreal, St. Laurent crossing.	G.T.R.		1
3050	" 26	St. Martin, Cote du Sud crossing.	C.P.R.	5	
3074	Aug. 27	Port Colborne, Bush Street.	G.T.R.		3
3093	Sept. 22	St. Hilaire, first crossing west.	G.T.R.	1	1
3094	" 29	St. Hubert, public crossing west.	G.T.R.		2

5 GEORGE V., A. 1915

STATEMENT No. 9.—Showing Highway Crossing Accidents Attended by Personal Injury investigated during Year ending March 31, 1914.—*Continued.*

File.	Date.	Place.	Railway.	Killed.	Injured.
Inv.					
3095	Oct. 11	Sherbrooke, Alexander Street.	C.P.R.		2
3096	Aug. 15	Farnham, Main Street.	C.P.R.		2
3101	Sept. 27	Chatham, Diamond crossing.	G.T.R.		1
3102	Aug. 26	Renwick, public road south.	P.M.R.		1
3103	Oct. 26	Buxton, road 200 feet west of station.	M.C.R.	1	
3113	Sept. 4	Souris, First Avenue crossing.	C.P.R.	1	
3120	Oct. 18	Hamilton, Ottawa Street.	G.T.R.		1
3125	" 20	Quebec, Gosford Street, St. Roch.	C.P.R.		1
3129	" 3	Edmonton, Namayo Avenue.	C.N.R.	2	
3130	Aug. 23	Lime Ridge, crossing east.	M.C.R.		2
3131	Oct. 13	Alfred, crossing at M. P. 27.	C.P.R.		2
3136	" 18	London, William Street.	G.T.R.	1	
3138	" 24	Sudbury, Elm Street.	C.P.R.		1
3143	" 27	Puslinch, crossing at M. P. 440.	C.P.R.		2
3161	" 28	Durham, public crossing west.	C.P.R.	1	
3163	" 17	Winnipeg, Main Street.	C.N.R.	1	
3169	" 6	Three Rivers, Bonaventure Street.	C.P.R.	2	
3170	" 20	Pinewood, crossing between lots 8 and 9	C.N.R.		1
3171	Apr. 24	Brampton, Queen Street.	C.P.R.	1	
3175	Oct. 6	Walkerville, crossing 2 miles east	G.T.R.	1	
3179	Sept. 30	Toronto, Cherry Street.	C.P.R.		1
3181	Nov. 6	Brunner, public crossing east.	G.T.R.		1
3184	" 16	Hull, C.P.R. road crossing.	C.P.R.		1
3192	" 11	Alliston, first public crossing south.	C.P.R.		1
3199	Oct. 30	Lorne Park.	G.T.R.		2
3200	" 25	Glencolin, public crossing east of	G.T.R.	1	
3204	Nov. 18	Montreal, St. Ambrose Street.	G.T.R.	1	
3205	" 17	Montreal, Hibernian road crossing.	G.T.R.		1
3207	Oct. 25	Elmvale, crossing 1st mile south.	G.T.R.		1
3212	" 20	Rainy River, Little Street.	C.N.R.		1
3223	Sept. 9	Edmonton, Willow Street.	G.T.P.		1
3228	Oct. 18	Sheho, first crossing east.	C.P.R.	1	
3234	Nov. 30	Toronto, Bloor Street.	G.T.R.		1
3244	Dec. 4	Boucherville, Chemin de Lac crossing.	Q.M. & S.	1	2
3247	" 15	Kewatin Street crossing, Winnipeg.	C.P.R.	1	
3257	Nov. 27	St. Thomas, Centre Street.	P.M.R.		1
3265	Dec. 13	Point St. Charles, Charlevoix Street.	G.T.R.		1
3267	Nov. 23	South Durham, St. Laurent Street.	G.T.R.	1	
3269	Dec. 27	Fort Coulonge, Boom Street.	C.P.R.	1	
3282	Jan. 20	Toronto, Trinity Street.	C.P.R.		1
3288	" 19	Montreal, Atwater Avenue.	C.P.R.		2
3297	" 14	South Indian, boundary road.	G.T.R.	1	
3301	Dec. 23	Thorndale, Main Street.	G.T.R.	1	
3302	" 25	Steelton, North Street.	C.P.R.		1
3307	Nov. 10	Armillia, east mile 4 75.	C.P.R.	1	
3308	Feb. 5	Chatham, crossing 2½ miles north.	G.T.R.		2
3313	Jan. 9	Sapperton, Brunette Street.	V.V. & E.	1	
3315	Dec. 5	Saskatoon, Thirty-third Street.	C.N.R.		2
3316	Feb. 6	Georgetown, Goodwillies crossing.	G.T.R.	1	2
3319	Dec. 26	London, Colborne Street.	G.T.R.		1
3320	Oct. 17	Wallaceburg, Wallace Street.	P.M.R.		1
3323	Feb. 17	Edmonton, Temiscouata Street.	T.R.	1	
3326	" 12	Toronto, Arnotts crossing, Esplanade.	G.T.R.		1
3329	" 6	Carlsbad Springs, second crossing east.	G.T.R.		1
3336	" 4	Montreal, St. Remi Street.	G.T.R.		1
3338	" 14	London, William Street.	G.T.R.		1
3339	" 10	Woodstock, Light Street.	G.T.R.		1
3342	" 9	St. Boniface, Provencher Avenue.	W.J.T.		1
3346	" 10	Quebec, Carillon Street.	C.P.R.		1
2648	Mar. 19	Hamilton, cor. of James & Hunter Sts.	C.P.R.		1
2812	Apr. 20	Montreal, Convent Street.	G.T.P.		1
2939	July 9	Green Valley, crossing east.	C.P.R.	1	
3080	Sept. 23	Montreal, Chatham Street.	G.T.R.	1	
3351	Feb. 21	London, Wellington Street.	G.T.R.	1	
3354	Mar. 1	Sudbury, Elm Street.	C.P.R.		4
3359	Dec. 29	Niagara Falls, Bridge Street.	G.T.R.		1
3364	Feb. 14	Port Williams station, west of.	D.A.R.		2

Total.....

61

121

## SESSIONAL PAPER No. 20c

## STATEMENT No. 10.—Showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1914.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
2643	Feb. 28.	St. Lazare, 2 miles west.	C.P.R.	Engine dropped crown sheet.		1
2645	" 5.	Hochelaga Yard.	C.P.R.	Hanging on side of car and head struck supports of bridge.		1
2646	" 6.	West St. John.	C.P.R.	Turning switch and was struck by car.		1
2647	Feb. 4.	Fort William, Ont.	C.P.R.	Slipped on ice and fell under moving car.	1	
2649	Dec. 30.	Fort William, Ont.	C.P.R.	Cab of engine struck by car standing foul.		1
2650	Feb. 26.	Munico, Ont.	C.P.R.	Hand caught between buffer beam and car.		1
2652	Mar. 4.	Bear Creek, B.C.	C.P.R.	Attempted to board moving train.		1
2653	" 12.	Havelock, Ont.	C.P.R.	Struck by engine when it was backing into turn-table.	1	
2654	Feb. 24.	Fort William, Ont.	C.P.R.	Picking up ice and was struck by train.		1
2655	" 6.	Port Arthur Coal Dock.	C.P.R.	Rolling a barrel and was struck by moving car.		1
2657	" 5.	Winnipeg, Man.	C.P.R.	Run down in yard by moving engine.		1
2658	" 5.	Fort William, Ont.	C.P.R.	Crushed between draw bars, while coupling cars.	1	
2659	Jan. 20.	Vancouver, Terminals.	C.P.R.	Derailed car side swiped engine.		1
2661	Feb. 21.	Kinnear, Ont.	T.H. & B.	Fell off side of car.		1
2662	" 9.	Welland, Ont.	T.H. & B.	Getting off moving engine stepped on piece of coal.		1
2663	Mar. 28.	M. P. 164, 14 poles west.	C.N.R.	Walking on track run over by train.	1	
2664	" 21.	Walkerton.	C.P.R.	Standing on platform and was struck by truck.		1
2665	April 5.	Pembroke, Ont.	C.P.R.	Setting up hand brake when chain slipped.		1
2666	" 2.	Roseberry, B.C.	C.P.R.	While endeavoring to get speeder off track was struck by train.	1	
2667	Mar. 30.	Marconi, Man.	C.P.R.	Got off train and walked in front of moving engine.		1
2668	" 15.	Mill 47, Broadview Sub.	C.P.R.	Hand car struck by train.	1	
2669	" 18.	Hamilton, Ont.	G.T.R.	While turning switch was struck by tender of engine.		1
2670	" 10.	Webbwood, Ont.	C.P.R.	Climbing car and was struck by end of truss rod on another car.		1
2671	Feb. 26.	Carrier roundhouse.	C.P.R.	Attempted to climb on tender step and was struck by door of roundhouse.		1
2676	" 15.	Winnipeg, Man.	C.P.R.	Run down in yard by moving engine.		1
2677	Mar. 29.	Ottawa, Central Depot.	C.P.R.	Attempted to jump off moving train.		1
2678	" 13.	North Bay shops.	C.P.R.	Caught while chaining tender to engine.	1	
2681	" 4.	Melville, Sask.	G.T.P.	Struck in face by hot water from injector of engine.		1
2682	Feb. 5.	Winnipeg, Terminal Yard.	W.J.T.	Run down in yard by moving engine.		1
2683	Mar. 4.	Dauphin, Man.	C.N.R.	Run down in yard by moving engine.	1	
2684	" 4.	Rivers, Man.	G.T.P.	Hanging on side of car and was thrown off.		1
2685	Feb. 26.	Listock, Sask.	G.T.P.	Fell off moving train.		1
2688	Mar. 19.	Furnham, Que.	C.P.R.	Cleaning fire-box in ash pan when stud shaker bracket came out allowed steam to strike leg.		1
2689	Feb. 25.	South Indian, Ont.	G.T.R.	Attempted to board train in motion.		1
2690	Mar. 18.	Bordeaux, Que.	C.P.R.	Slipped on ice while passing in front of moving cars.		1



STATEMENT No. 10 Showing various other Accidents, attended by Personal Injury, Investigated during Year ending March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
2601	Mar. 20.	Kingsbury, Que.	C. P. R.	Knocked off top of car.		
2602	" 3.	Roughy Junction.	C. P. R.	Moving car struck side of cab of engine.		
2603	Feb. 6.	Winnipeg, Union station.	C. N. R.	Slipped off tender of engine.		
2604	Mar. 3.	Fort Rouge, Man.	C. N. R.	Uncoupling air between engine.		
2606	April 5.	St. Thomas, Ont.	M. C. R.	Jumped off moving engine.		
2607	" 9.	St. Anns, Ont.	T. H. & B.	Was driving when horse ran down track and collided with engine.		
2608	Mar. 25.	Pelair, 2 1/2 miles west.	C. P. R.	Run down in yard by moving cars.		
2609	" 29.	Pt. St. Charles, Que.	G. T. R.	Riding on top of car when he was knocked off.		
2701	April 1.	Win. Isor, Ont.	G. T. R.	Expansion bracket stud blew out under firebox door.		
2702	Jan. 17.	McIntosh, Ont. 1 mile west.	G. T. R.	Climbing up side of car and fell off.		
2703	Mar. 27.	Calgary, Alta.	C. P. R.	Crushed between car and temporary platform.		
2704	" 28.	Medicine Hat, Alta.	C. P. R.	Fell from tender into cab of engine.		
2705	" 29.	Fort Erie, Ont.	G. T. R.			
2706	" 4.	Between Fernie and Coal Creek B. C.	M. F. & M.			
2708	" 27.	St. Bazile, Que.	G. T. R.	Fell off foot board of engine and was run over.		
2709	April 16.	Shedden, Ont.	G. T. R.	Slacker bar of engine fell on hand.		
2710	Mar. 19.	Hamilton, Aberdeen yard.	T. H. & B.	Fell off running board of engine.		
2711	Feb. 19.	M. P. 59 Niagara sub.	C. P. R.	Walking on track and struck by engine.		
2712	Mar. 25.	Meaford, Ont.	G. T. R.	Crown sheet burst on engine.		
2713	" 27.	Niagara Falls, Ont.	G. T. R.	Caught between couplers, while coupling cars.		
2714	" 24.	Stoney Creek, Ont.	G. T. R.	Attempted to board moving engine.		
2715	" 19.	Hamilton, Ont.	G. T. R.	While coupling cars had head caught between cars and some logs.		
2716	April 10.	Carley, half mile south.	C. P. R.	Caught between cars while coupling.		
2717	Mar. 22.	Fort William, Ont.	C. P. R.	Fell off top of car.		
2720	" 15.	St. Hubert, Que.	G. T. R.	Stepped between car and engine while in motion.		
2727	" 19.	Coal Creek yards.	M. F. & M.	Jumped off moving train.		
2728	April 28.	Hamilton, Aberdeen yard.	T. H. & B.	Knocked between cars while coupling.		
2730	Mar. 2.	Prince Albert, Sask.	C. P. R.	Poling cars and was caught when pole broke.		
2733	April 18.	West Toronto, No. 6 switch.	C. N. R.	Attempted to board moving train.		
2735	" 28.	Hawkesbury.	G. T. R.	Caught while making coupling.		
2737	May 3.	Stanford, Ont.	G. T. R.	Run down in yard by moving engine.		
2738	" 3.	Minico, Ont.	G. T. R.	Fell off the pilot of engine.		
2739	April 25.	Green Jet.	G. T. R.	Hanging on side of car and was struck by switch.		
2740	" 22.	Blueval, Ont., 2 1/2 miles south.	G. T. R.	Riding on side of car and was struck by a large pipe.		
2741	" 28.	False Creek, B. C.	V. V. & E.	Climbing up side of car and was struck by a projecting board on another car.		
2742	Mar. 22.	Edward, Ont.	M. C. R.	Fell while getting off train.		
				While passing train was struck by a piece of wood projecting from a car.		

## SESSIONAL PAPER No. 20c

2743	April 28.	Saskatoon, Sask.	C. N. R.	Struck by a plank projecting from a car.	1
2743	Mar.	Iona, Ont.	M. C. R.	Slipped while getting off train.	1
2745	May	Lackaw, Ont.	C. P. R.	Was caught between rails and ties when engine coupled.	1
2746	Mar.	Vancouver, B. C.	C. P. R.	Evidently fell off top of car.	1
2747	April 19.	Portage La Prairie, Man.	G. T. P.	Caught between cars while switching.	1
2749	"	Toronto, Union station.	C. P. R.	Attempted to board moving train.	1
2753	"	Winnipeg, caboose track.	C. N. R.	Fell off coal car.	1
2754	"	St. Thomas yard.	M. C. R.	Run down in yard by moving engine.	1
2755	Mar.	Windsor yard.	M. C. R.	Caught between couplers while inspecting cars.	1
2758	April 4.	St. Therese, Que.	C. P. R.	Attempted to cross track in front of train.	1
2760	"	Longue Point, Que.	C. N. Q.	Hanging on side of car and was struck by other cars.	1
2763	Dec.	Walkerville, Ont.	Wabash	Run down in yard by moving engine.	1
2765	Mar.	Wainwright yard, Alta.	G. T. P.	Caught between operating lever while making coupling.	1
2768	April 23.	Vegreville yard.	C. N. R.	Knocked down while cars were coupling together.	1
2769	Mar.	1 Mile 167, Alta.	G. T. P.	Slipped while going between cars.	1
2770	"	St. Gregor, Sask.	C. N. R.	Attempted to get off moving train.	1
2771	"	Vicero, Sask.	C. P. R.	Had arm caught while making coupling.	1
2772	"	Maple Creek, Sask.	C. P. R.	Run down by moving car.	1
2774	"	Nicholson, M. P. 24.1, Ont.	C. P. R.	Leaning up against train when it started.	1
2775	"	Sunnyside, Ont., west of	G. T. R.	Walking along the track and was struck by train.	1
2776	April 23.	Port Erie, Ont.	G. T. R.	Run down in yard by moving cars.	1
2778	May 5.	Port Erie yard.	G. T. R.	Caught while between cars inspecting couplers.	1
2779	"	Paris Jet, Ont.	G. T. R.	Projection from moving train struck cab of engine.	1
2788	April 23.	Blueheim, Ont.	P. M. R.	While switching stepped in hole along side of track.	1
2794	May 17.	Mileage 73½, Havelock sub.	C. P. R.	Starting valve of main globe valve on engine blew off.	1
2796	April 27.	London, Ont.	C. T. R.	Washout plug of engine blew out.	1
2798	Apr.	Winnipeg, Hill Main line.	C. N. R.	Fell off moving car.	2
2799	"	Hamilton, Ont.	G. T. R.	Fell from top of car.	1
2800	"	Port Dover, Ont.	G. T. R.	Hand caught between couplers.	1
2801	Mar.	Toronto, Ont.	G. T. R.	Run down in yard by moving engine.	1
2802	May 13.	Hamilton, near Ferguson ave.	G. T. R.	Engine struck rig when rig was about to pass a number of lumber piles.	3
2804	"	Hamilton yard.	G. T. R.	Injured by torpedoes which exploded.	1
2805	"	Between Markham and Agincourt.	G. T. R.	Jumped off moving train.	1
2806	"	Bremner, 60 ft. west.	C. P. R.	Explosion of dynamite.	1
2807	"	Mirror Yard, Alta.	G. T. P.	Fell from top of box car.	1
2808	"	Regina Yard, Sask.	G. T. P.	Knocked off foot board of engine.	1
2809	"	Mileage 103½, Cartier subdivision.	G. T. P.	Repairing engine was struck by crosslead.	1
2810	Apr.	Whitney, Ont.	C. P. R.	Head light of engine exploded.	1
2811	"	Richmond, Que.	G. T. R.	Hand caught while coupling cars.	1
2813	"	Sherbrooke, Que.	G. T. R.	Fell into turn-table pit.	1
2814	"	Dorval, 1 mile west.	G. T. R.	Was struck in face by cab window which blew out of place.	1
2815	"	Coteau, Que.	G. T. R.	Shank bar slipped off of engine.	1
2817	May	Caroline, Que.	Q. M. & S.	Hand caught in coal board of engine.	1
2818	Apr.	Athelstan, Que.	St. L. & A.	Foot caught while turning angle cock.	1
2819	May 7.	Depot Harbour, Ont.	G. T. R.	Caught between rope and spool of car puller.	1
2820	"	Between Mile 16 and 17, Farnham subdivision.	C. P. R.	Fell while getting out of car and was run over.	1

STATEMENT No. 19. Showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.	May 29.	Edmonton, Alta., Clark's spur.	C. N. R.	Knocked off top of car.		1
2823	" 29.	Three Rivers, Que.	C. P. R.	Fell between cars while walking over train.		1
2824	Apr. 29.	Midland, Ont.	G. T. R.	Fell off back of tender.		1
2826	June 1.	Fernie, B.C.	M. F. & M.	Dropping off engine was struck by switch.		1
2831	Mar. 26.	Port Arthur, Ont.	C. N. R.	Slipped on ice while attempting to get on moving car.		1
2834	Apr. 15.	Fort Erie, Ont.	Wabash	Caught while attempting to adjust hose on car.	1	
2835	June 13.	Hamilton, Ont.	G. T. R.	Caught between two cars.		1
2837	" 5.	North Bay, Ont., near.	C. P. R.	Struck by train while trying to get hand car off track.		1
2838	" 6.	Como	C. P. R.	Lost balance while getting off train.		1
2839	" 9.	Jacques Cartier Jct., Que.	C. P. R.	Attempted to get off moving train.		1
2840	" 10.	Easton, Ont.	C. P. R.	Evidently fell off military train.		1
2841	May 30.	Stratford Yard, Ont.	G. T. R.	Shaker bar fell off engine.	1	
2843	June 5.	Tamsworth, Ont.	B. of Q.	Attempted to board moving train.	1	
2846	June 31.	Brantford, Ont.	G. T. R.	Injured by torpedo exploding.		1
2847	June 5.	Hochelega Cattle Yard	C. P. R.	Fell off top of car.		1
2848	May 27.	Bucks-kn	C. P. R.	Attempted to board train in motion.	1	
2849	" 26.	Cuprum, B.C.	C. P. R.	Supposed to have fallen off moving train.	1	
2850	June 11.	Mileage 118, Boundary subdi- vision	C. P. R.	Mo'or car struck by train.	1	2
2853	May 31.	Smith's Falls, Ont.	C. P. R.	Caught between tender steps side of turn table.	1	
2855	June 21.	Sweetsburg, Ont.	C. P. R.	Fell while getting off train.	1	
2856	" 2.	Lawson Yard, Ont.	P. M. R.	Had foot caught between tracks while switching cars.	1	
2857	" 20.	Trigan, Alta., 2 miles east.	C. P. R.	Fell between cars while unloading logs.	1	
2858	" 10.	Macleod Yard, Alta.	C. P. R.	Supposed to have been under car repairing same.	1	
2862	" 15.	Montreal, Place Vigor Depot	C. P. R.	Car ran through station waiting room.	1	5
2865	" 28.	North Toronto, Ont.	C. P. R.	Walking on track and was struck by train.	1	
2866	May 28.	Finneson Cindler Pit	C. N. R.	Run down in yard by moving engine.	1	
2869	" 19.	Calgary Yard, Alta.	C. P. R.	Run over by train.	1	
2870	" 23.	Calgary, Alta.	C. P. R.	Presumed that he struck his head against a car while switching.	1	
2871	June 4.	Amherst, Man., bridge east of	C. P. R.	Jumped from car to engine and fell.	1	
2872	" 7.	Brandon Yard, Man.	C. P. R.	Slipped while stepping from ledgerwood to plough, and was run over.	1	
2874	May 29.	Wilkie, Sask.	C. P. R.	Fell and beside track.	1	
1875	June 4.	Minico, Ont.	G. T. R.	Slipped off engine while lighting head light.	1	
1876	" 7.	Just west of Cobourg, Ont.	C. N. O.	Struck head on backboard of cab.	1	
2879	May 29.	Stevensville, Ont.	G. T. R.	Standing on step of engine and was injured by cars standing too far out in siding.	1	
2880	June 24.	Lanwood, Ont.	C. P. R.	Crushed between cars.	1	



## SESSIONAL PAPER No. 20c

2883	April 22	Brantford, Ont.	G.T.R.	Slipped off top of car.	1
2884	May 28	Windsor Yard, Ont.	M.C.R.	Engine derailed.	1
2885	" 26	Simcoe 19th District, Ont.	G.T.R.	Uncoupling cars.	1
2887	" 26	Edmonton Exten. Track, Alta.	C.N.R.	Caught while adjusting couplers.	1
2888	June 18	St. Romuald, Que.	G.T.R.	Standing on top of car and was struck by overhead bridge.	1
2889	" 16	Ste. Therese, Que.	C.P.R.	Jumped off moving train backwards.	1
2891	" 13	Vinemount, Ont.	T.H. & B.	Getting into car when grab iron pulled loose.	1
2893	" 25	Hamilton, Ont.	G.T.R.	Jumping off and on train and fell under cars.	1
2894	" 25	Toronto, Ont.	G.T.R.	Fell off platform of car.	1
2895	" 28	Portneuf	C.P.R.	Fell between cars.	1
2896	" 30	Nesterville, Ont.	C.P.R.	While switching at Mill caught head on plank.	1
2899	July 7	2 miles west of Trenholme	C.P.R.	Evidently fell off train.	1
2900	" 2	Near Burbridge	C.P.R.	Hand car was struck by train.	1
2902	" 2	200 feet west of Westmount.	C.P.R.	Crown sheet of engine dropped down.	1
2905	June 20	Berthier Jct., Que.	C.P.R.	Reversing lever of engine went down in corner.	1
2906	" 6	Hochelaga Yard, Que.	C.P.R.	Fell off foot board of engine.	1
2908	" 14	Field, B.C.	C.P.R.	Coaling engine and was buried in coal.	1
2909	" 5	Port Hope, Ont.	G.T.R.	Found lying on track.	1
2910	" 3	Toronto, Ont.	G.T.R.	When cars came together party was knocked down by a horse which was in the car.	1
2911	" 14	Brantford, Ont.	G.T.R.	Caught between cars while coupling.	1
2913	April 12	Burlington, Jct., Ont.	C.P.R.	Jumped from moving engine.	1
2914	July 11	Guelph Jct., Ont.	C.P.R.	Fell under car while switching.	1
2915	" 15	M.P. 28, near St. Adele, Que.	C.P.R.	Hand car struck by train.	1
2916	" 14	M.P. 34-2, near Christie, Ont.	C.P.R.	Hand car struck by train.	1
2917	" 10	Edmonton Depot, Alta.	C.N.R.	Knocked down by a truck which had been struck by a projection from car.	1
2919	June 16	Toronto, near Lucan Avenue.	G.T.R.	Walking on track and was struck by train.	1
2920	" 13	Niagara, on the Lake, Ont.	M.C.R.	Walking on track and was struck by train.	1
2921	May 10	Ripley Yard, Ont.	G.T.R.	Ran down in yard by moving engine.	1
2923	July 14	Between Pickering and Whitby Jct.	G.T.R.		1
2924	May 29	St. Catharines, Ont.	C.T.T.	Struck by overhead bridge.	1
2926	June 19	Prince Albert Yard on Wye.	G.T.R.	Standing between wagon and car and was caught.	1
2928	" 20	Wynyard, Sask.	C.N.R.	Caught between engine and car.	1
2931	" 18	Humbolt, Sask.	C.P.R.	Attempted to board moving engine.	1
2933	" 10	McAdam Jct.	C.N.R.	Standing on top of car and was caught by freight shed roof.	1
2935	Aug. 3	Hochelaga, Que.	C.P.R.	Scaled while working on engine.	1
2936	July 23	Prasade, 3 poles west.	C.P.R.	Caught between cars.	1
2937	" 27	Renfrew, Ont.	C.P.R.	Fell off moving train.	1
2942	June 19	Fredericton, N.B.	C.P.R.	Crushed between cars.	1
2944	July 10	Saskatoon Yard, Sask.	C.P.R.	Caught between cars while coupling.	1
2945	" 24	Winnipeg, Man.	C.N.R.	Fell off top of car.	1
2947	" 8	Longue Point Yard.	C.P.R.	Stepped in front of moving engine.	1
2949	June 27	St. Thomas, Ont.	P.M.R.	Knocked off top of car.	1
2951	July 26	Guelph Jct., Ont.	C.P.R.	Struck by falling tank.	1
2952	May 30	Hanover, Ont.	G.T.R.	Crossing track at station and was struck by moving train.	1
2957	July 1	Fort Erie, Ont.	G.T.R.	Hand caught while coupling cars.	1
2958	" 4	London East Yard.	G.T.R.	Foot caught under wheel of moving car.	1
2967	" 26	Woodstock Yard.	C.P.R.	Fell off bridge.	1
2968	" 25	Preston, $\frac{1}{2}$ mile north.	G.T.R.	Caught between van and coal car.	1
				Walking on track struck by train.	1

STATEMENT No. 10 Showing various other Accidents attended by Personal Injury Investigated during Year ended March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.	Aug. 16.	Mileage 2, Prescott Sub.	C. P. R.	Drawbridge open and hand car went into canal.		
2970	" 3.	Woodstock, Ont.	G. T. R.	Stepped off moving train.	1	1
2971	" 15.	Manitoway, Ont.	G. T. R.	Jumped off moving caboose.		1
2972	" 8.	Sherks.	G. T. R.	While on top of car was struck by wire.		1
2973	" 16.	Lakefield Yard, Leamington	C. N. Q.	Knocked off top of car by trolley wire.		3
2974	" 10.	Bellefleur, Ont.	G. T. R.	Fell into coal chute.		1
2975	" 28.	Hector, B. C.	C. P. R.	Caught between tender and car.		1
2976	" 31.	Napawee, Ont.	G. T. R.	Fell off moving engine while switching.		1
2977	June 26.	Fort William near Empire ave.	G. T. R.	Caught between cars when lifting apron.		1
2978	" 16.	Horne Pt., Ont.	C. P. R.	When engine struck car apron fell on party.	1	
2979	July 13.	Lancaster.	G. T. R.	Caught between tender of engine and platform.		1
2980	Aug. 29.	Hochelega, Que., No. 4 siding.	C. P. R.	Arm caught in side-ladder of car.		1
2981	July 29.	Pt. St. Charles, Que.	G. T. R.	Caught between engine and tender.		1
2982	" 8.	Coteau Jct., Que.	G. T. R.	Foot caught in rail while turning switch.		1
2983	June 3.	Beauharnois, Que.	St. L. & A.	Fell when alighting from train.		1
2984	Aug. 29.	Lanoré.	C. P. R.	Scalded by sprinkler hose uncoupling.		1
2985	July 22.	Tuesot Yard, Que.	G. T. P.	Caught while coupling cars.	1	
2986	" 7.	Winnipeg Terminals Yard.	W. J. T.	Fell under car while coupling same to others.		1
2987	" 30.	Mile 93, east of Prince Rupert, B. C.	G. T. R.	Caught while hanging on side of car.		1
2988	June 28.	Chatham, Ont.	P. M. R.	Fell when cars coupled together.		1
2989	Aug. 8.	London, Ont.	G. T. R.	Was knocked down when cars coupled.		1
2990	" 11.	Edmonton, Alta., Main line.	C. N. R.	Fell while getting on moving engine.		1
2991	" 5.	Hastings, Ont.	G. T. R.	Caught between back of tender and water spout.		1
2992	Sept. 4.	Mileage 31, near Kendry, Ont.	C. P. R.	Hand car struck by train.		1
2993	Aug. 21.	West of Moberly, B. C.	C. P. R.	Engine crown sheet dropped.	1	
2994	" 29.	Rivers, Man.	G. T. P.	Engine went over end of coal chute.	2	
2995	June 23.	Minidosa, Man.	C. P. R.	Fell off moving train.		1
2996	" 20.	M. P. 17 near Pattie, Sask.	G. T. P.	Scalded by steam from engine.		1
2997	July 10.	Estevan Yard.	C. P. R.	Fell from top of car.		1
2998	Sept. 5.	Prescott, Ont.	G. T. R.	Run down in yard by train.		1
2999	" 9.	Collinton, Alta.	C. N. R.	Squirt hose of engine blew off.		1
3000	Aug. 19.	Toronto, Ont.	G. T. R.	Finger caught between release lever and buffer plate of car.		1
3001	July 23.	Hamilton, Ont.	T. H. & E.	Repairing cars on repair track and was run over.	1	
3002	May 8.	Fries Pt., Sask.	C. P. R.	Caught while crossing between car.	1	
3003	July 15.	C. P. R., Diamond at Paddington	C. N. R.			
3004	" 9.	Victoria Plains, near Regina, Sask.	G. T. P.	Train started while party was underneath.		1

## SESSIONAL PAPER No. 20c

3023	"	8.	Ottawa, near Le Breton street.	G. T. R.	Found on track evidently fell off train.	1
3024	Aug.	26	Buckingham Jct. Yard, Que.	C. P. R.	Fell between cars and was run over.	1
3025	Sept.	17	Key Harbour Dock.	C. N. R.	Caught between bucket of hoist and car.	1
3026	July	24	South Indian, Ont.	C. T. R.	Slipped off engine and fell between train and platform.	1
3028	Sept.	4.	Galt, Ont.	G. T. R.	Caught while in between cars.	1
3029	Aug.	30.	Galt, Ont.	G. T. R.	While turning switch was run down by train.	1
3032	Sept.	9.	Walkerville, Ont.	G. T. R.	Struck by wire while on top of car.	1
3034	Aug.	18.	Guelph Jct., Ont.	G. T. R.	Fell when cars coupled together.	1
3035	"	18.	Mileage 64 1/2, near Russell, Ont.	C. P. R.	Fell in front of moving car.	1
3036	June	22.	13 poles west of M. P. 202, Sask.	C. N. R.	Engine and tender turned over.	1
3037	Sept.	1.	West Toronto, Ont.	G. T. R.	Caught while repairing draw bar.	1
3038	Aug.	28.	Winnipeg, shop tra.k.	C. N. R.	Scalded while trying to open blow-off cock.	1
3039	July	24.	Juener, Sask.	C. N. R.	Jumped off moving train.	1
3040	"	28.	Guelph Jct., Ont.	G. T. R.	Fell between cars.	1
3041	"	12.	La Riviere, Man.	C. P. R.	Attempted to board moving train.	1
3042	Sept.	11.	Hamilton, Gravelly Co., Lead.	T. H. & E.	Caught by wire while on top of car.	1
3043	"	24.	Sorting yard, Que.	C. P. R.	Caught between side of car and switch stand.	1
3045	"	1.	Beaconsfield, Que.	C. P. R.	Fell off coach in front of approaching train.	1
3046	"	18.	St. Henri yard, Que.	C. P. R.	Apparently fell off moving car while switching.	1
3051	"	6.	West Toronto, Ont.	G. T. R.	Fell from top of car and was run over.	1
3052	Aug.	7.	Still Creek, B. C., passing track.	V. V. & E.	Cars collided.	1
3054	July	31.	Coquitlam, B. C.	C. P. R.	Attempted to jump off engine and was run over.	1
3055	Aug.	5.	Harrison Mills, B. C.	C. P. R.	Jumped from train while in motion.	1
3056	Sept.	8.	Fort Frances, Man., 10 ft. w. of station.	C. N. R.	Run over by engine.	1
3059	"	15.	8th dist. yard, Belleville, Ont.	G. T. R.	Caught while coupling engine to car.	1
3061	"	4.	G. T. P. Junction, Man.	G. T. P.	Thrown from car switching.	1
3062	"	6.	Pt. St. Charles Que.	G. T. R.	Slipped from car and fell underneath.	1
3063	"	18.	Glen yard, Montreal, Que.	C. P. R.	While testing fire extinguisher, cap blew off.	1
3064	Sept.	8.	West Toronto, Ont.	C. P. R.	Foot caught in foot plate on coach.	1
3065	June	6.	Carlier yard, Que.	C. P. R.	Caught between two cars trying to uncouple them.	1
3066	Apr.	28.	Port Arthur, Ont.	C. P. R.	Finger caught while repairing deadwood of car.	1
3068	Sept.	27.	Bury, Que.	C. P. R.	Fell off car when cars came together.	1
3069	July	19.	M. P. 59, near Orr's Lake, Ont.	C. P. R.	Jumped from engine when he saw collision was eminent.	1
3070	Sept.	3.	Montreal, Glen Yard.	C. P. R.	Working under car and was knocked down.	1
3072	Oct.	2.	Nugenta Ballast Pit.	C. N. O.	Adjusting brake chain and fell under car.	1
3073	Aug.	28.	Trenton, Ont.	C. N. O.	Caught between car and bucket of hoist.	1
3075	"	27.	Hamilton, Ont.	G. T. R.	Slipped off top of car.	1
3079	June	26.	Atabasca Station Platform.	C. N. R.	Hanging on side of car and had foot caught in platform.	1
3081	Oct.	3.	St. Jerome, Que.	C. P. R.	Thrown off top of car.	1
3082	Aug.	30.	Toronto Coach Yard.	G. T. R.	Run down in yard by moving engine.	1
3087	"	2.	Atabasca.	C. N. R.	Riding on engine when foot caught in platform.	1
3089	"	13.	Edmonton Yard.	C. N. R.	Timber rolled off car.	1
3091	"	12.	Innisfree, Alta.	C. N. R.	Moving cars struck boarding car and party was knocked down.	1
3092	Sept.	27.	Montreal Turcot Yard.	G. T. R.	While inspecting cars had head caught between two cars.	1
3097	July	4.	Montreal Place Viger Station.	C. P. R.	Crushed between engine and cars.	1
3098	Mar.	27.	Glanworth, Ont.	P. M. R.	Riding on side of car, struck by telegraph pole.	1
3099	Sept.	7.	Blenheim, Ont.	P. M. R.	Caught while coupling cars.	1
3100	"	16.	Woodstock, Ont.	G. T. R.	Caught between cars while coupling.	1



STATEMENT No. 10.—Showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
3104 Oct.	7.	St. Thomas Yard, Ont.	M.C.R.	Crushed under car while repairing same.		1
3108 "	16.	Hamilton, West end of Tunnel.	T.H. & B.	Overcome by gas fumes while in tunnel.		1
3109 "	10.	Waterford Roundhouse.	T.H. & B.	Fell into ash pit.		1
3110 Aug.	4.	Hamilton, Aberdeen Yard Bridge.				1
3111 Oct.	1.	Saskatoon, Sask.	T.H. & B.	Hanging on side of car and was struck by bridge.		1
3112 Sept.	16.	"	C.N.R.	Fell off top of box car.		1
3115 "	7.	Red Pass, B.C.	C.N.R.	Caught while coupling cars.		1
3116 Aug.	18.	Biggar Yard, Sask.	G.T.P.	Thrown off car of ties.		1
3117 "	19.	Regina Yard, Sask.	G.T.P.	Caught between coach and caboose.		1
3119 Sept.	21.	Winnipeg Man.	G.T.P.	Foot caught between drawbars.		1
3121 "	27.	Montreal, Windsor Station.	C.P.R.	Foot caught in guard rail and was run over.		1
3122 Oct.	27.	Cote St. Paul, Que.	St.L. & A.	Attempted to board moving train.		1
3123 "	25.	Grand Mere, Que.	C.P.R.	Run down in yard by moving engine.		1
3124 "	25.	Montreal, Bonaventure Station.	C.N.C.	Train parted and collided.		1
3126 Sept.	6.	Silverdale, Ont.	G.T.R.	Caught between moving cars.	1	
3127 "	14.	Georgetown, Ont.	T.H. & B.	While staking cars, stake broke.		1
3128 Oct.	24.	East end north yard Aberdeen, Hamilton	G.T.R.	Caught between drawbars.		1
3132 "	18.	Marshville, Ont.	T.H. & B.	Attempted to board moving engine.		1
3133 Aug.	27.	North Yard, Edmonton, Alta.	G.T.R.	Burnt by flames from blower of engine.		1
3134 Oct.	18.	Chatham, Ont.	G.T.P.	Caught by switch and thrown underneath engine.	1	
3137 Sept.	11.	Braintree Yard, Ont.	P.M.R.	Fell across rail while examining headlight.		1
3139 "	16.	Acton West, Ont.	G.T.R.	Caught while trying to couple cars.		1
3140 Nov.	16.	Schreiber Yard, Ont.	G.T.R.	Fell from side of moving car.		1
3141 Oct.	11.	North Switch, Ft. au Baril	C.P.R.	Had head caught while leaning out of cab.		1
3142 Sept.	30.	Algoma, Ont.	C.P.R.	Run down in yard by moving cars.		1
3145 Nov.	1.	Stearford Coal Chutes, Ont.	C.P.R.	Caught between apron of car and post.	1	
3146 Oct.	30.	Valleyfield, Que.	G.T.R.	Caught between cab of engine and coal chute.		1
3147 "	29.	Glan Robertson, Ont.	St.L. & A.	Stumbled over steps at rear of station.		1
3148 "	8.	Valleyfield, Que.	G.T.R.	Slipped.		1
3149 "	28.	Ste. Justine, Que.	St.L. & A.	Loading hay from wagon into car and was thrown from wagon when horses bolted.		1
3150 July	9.	Peacham, Que.	G.T.R.	Caught by shaker bar of engine.		1
3151 Oct.	7.	Cornwall, Ont.	St.L. & A.	Jumped from car to platform of station.		1
3154 Nov.	5.	Chatham, Ont.	G.T.R.	Fell from top of box car.		1
			P.M.R.	Freight car was slanted into car under which party was working.		1

## SESSIONAL PAPER No. 20c

3156	Sept. 24	Kindersley Roundhouse.	C.N.R.	Fell from engine.	1
3158	Nov. 10	Lorette, Que.	C.P.R.	Jumped off moving train.	1
3159	Sept. 30	Kansack Yard.	C.N.R.	Caboose struck by moving car.	1
3160	Oct. 26	M.P. 733, Water tank, Edmonton, S.D.	C.N.R.	Foot caught between cattle guards.	1
3162	Sept. 14	Golden, B.C.	C.P.R.	Fell from engine.	1
3165	Aug. 14	East end of Yard, Biggar, Sask.	G.T.P.	Caught between cars while coupling same.	1
3172	Oct. 15	Port Arthur Yard, Ont.	C.N.R.	Fell from foot board of engine.	1
3173	Oct. 10	Edmonton, Alta.	G.T.P.	Head came in contact with post while switching.	1
3174	Oct. 17	2 miles east of Ashton, Ont.	C.P.R.	While sprinkling coal, sprinkling hose came off nipple.	1
3178	Nov. 15	Welland, Ont.	M.C.R.	Tripped and fell underneath moving car.	1
3180	Oct. 23	Upsala, Ont.	C.P.R.	Caught while coupling engine to car.	1
3182	Nov. 7	Mission, Westford, Ont.	G.T.P.	Fell out of cab window.	1
3185	Nov. 12	Three Rivers, Que.	C.P.R.	Slipped and fell between cars.	1
3186	Nov. 3	Ash Pt., Edmonton, Alta.	C.N.R.	Stumbled and fell into pit.	1
3187	Oct. 26	Rainy River, Ont.	C.N.R.	Hand caught between reverse lever and ratchet of engine.	1
3188	Nov. 4	Sunnyside, Ont.	G.T.R.	While leaning out of engine head had caught by ladder.	1
3193	Nov. 10	Mileage 31, Megantic Sub.	C.P.R.	Engine collided with cars.	1
3194	Oct. 6	Siucoc, Ont.	G.T.R.	Was riding car when it struck another one.	1
3195	Nov. 17	Kenora Yard.	C.P.R.	Attempted to board moving engine.	1
3196	Nov. 13	Lyster, Que.	G.T.R.	Fell between coach and platform.	1
3197	July 8	Brooklyn, N.B.	N.B.&P.E.I.	Attempted to get on moving engine.	1
3198	Oct. 26	Toronto Passenger Yard, Ont.	G.T.R.	Cars collided in yard.	1
3202	Nov. 24	Millwood, Man.	C.P.R.	Crushed between drawbars.	1
3203	Nov. 20	Brandon, Ont.	C.P.R.	While leaning out of cab window, head caught in coal chute.	1
3206	Oct. 7	Don Yard, Toronto, Ont.	G.T.R.	Caught between side of car and overhead structure.	1
3209	Mar. 11	Berwick, Ont.	St. L. & A.	Knocked off car by telegraph pole.	1
3210	Nov. 26	Port Erie Yard, Ont.	G.T.R.	While leaning out of cab window had head caught by roof of car.	1
3211	Nov. 5	Winnipeg, Man.	C.N.R.	Attempted to jump off moving engine.	1
3213	Oct. 28	Woodstock, Ont.	G.T.R.	Head caught between buffer beams of car.	1
3215	Nov. 30	West Toronto Yard, Ont.	C.P.R.	Was caught and knocked off tender.	1
3216	Dec. 2	Prince Albert Yard, Sask.	C.N.R.	Squirt hose of engine blew off.	1
3217	Nov. 27	Lambton Yard.	C.P.R.	Crushed between cars.	1
3219	Nov. 23	Saskatoon, Sask.	C.N.R.	Caught while coupling cars.	1
3221	Nov. 14	Hamilton, Ont.	T.H. & B.	Body found on track.	1
3222	Nov. 4	Chippman Tank.	C.N.R.	Squirt hose of engine blew off.	1
3224	Nov. 27	Mileage 89, London Sub.	C.P.R.	Fell from train.	1
3225	Nov. 5	Owen Sound, Ont.	G.T.R.	Hand caught between brake handle and block.	1
3226	Nov. 4	North Regina Yard, Sask.	G.T.P.	Apparently thrown down in car while switching and was trampled by stock in car.	1
3227	Nov. 13	Regina, Sask.	C.N.R.	Head caught between car of engine and pole.	1
3229	Dec. 4	Turcot, Montreal, Que.	G.T.R.	Hand caught between drawbars.	1
3230	Sept. 20	Between M.P. 91 and 92.	G.T.P.	Jumped from moving engine.	1
3231	Nov. 2	Welland Yard, Ont.	M.C.R.	Knocked off side of car.	1
3232	Nov. 28	Shackleton, Alta.	C.P.R.	Run over during switching movements.	1
3236	Nov. 27	Montrose Yard, Ont.	M.C.R.	Steam pipe to injector pulled out.	1
3237	Dec. 23	Milepost 1269 West of Winnipeg.	G.T.P.	Crown sheet of engine dropped.	1
3238	Oct. 29	West Toronto Yard.	C.P.R.	Fell from side of box car.	1
3239	Dec. 8	Big Valley.	C.N.R.	Fell over some ties in yard.	1
3242	Dec. 20	Hull, Que.	C.P.R.	Caught while getting down from side of car.	1

STATEMENT No. 10. —Showing various other Accidents attended by Personal Injury Investigated during Year ending  
March 31, 1914—Continued.

File.	Date.	Place.	Railway.	Remarks.	Killed.	Injured.
Inv.						
3243	Nov. 27.	Turocot Coal chutes, Montreal, Que.	G.T.R.	Fell off cab roof of engine.		1
3246	Nov. 22.	Wilson, Alta.	C.P.R.	Crushed between cars while switching.	1	
3249	Dec. 18.	1 mile east of Napanee, Ont.	C.T.R.	Fell from top of car while train was moving.		1
3250	Dec. 28.	Saskatoon, Sask.	C.N.R.	Burnt by gas catching fire.		1
3251	Dec. 26.	Humbolt, Sask., Coal dock	C.N.R.	Caught by coal chute.		1
3252	Nov. 20.	Biggar Yard, Sask.	G.T.P.	Foot caught between couplers.		1
3254	Nov. 30.	4 poles east of Plumus station.	C.N.R.	Evidently fell from top of box car.		1
3255	Dec. 21.	Welland Jct., Ont.	G.T.R.	Fell off engine.		1
3256	Jan. 3.	Hamilton Yard, Ont.	G.T.R.	Caught between cars while coupling.		1
3258	Nov. 15.	Eight line Trestle, Winnipeg	W.J.T.	Water glass in engine burst.		1
3260	Dec. 26.	Rufus, Sask.	C.P.R.	Was struck by some unknown object as his train was passing another train.		1
3261	Nov. 7.	Tiny	C.N.R.	Squirt hose blew off injector pipe.		1
3264	Nov. 21.	Rogers Pass, B.C.	C.P.R.	Fell into catch pit in boiler room.		1
3266	Jan. 1.	Shawinigan Junction, Que.	C.N.O.	Jammed between cab of engine and coal chute.		1
3271	Dec. 27.	Near Palmerston, Ont.	G.T.R.	Knocked off caboose into ditch.		1
3274	Oct. 22.	New Hazelton Yard, B.C.	G.T.P.	Fell under cars while making coupling.		1
3275	Dec. 3.	Winnipeg, L. 4 K. Yard	C.N.R.	Fell off top of car.		1
3276	" 2.	Brockville, Ont.	G.T.R.	Caught while making coupling.		1
3277	" 31.	Reserve, Ont.	C.P.R.	Slipped off top of car.		1
3278	" 31.	Golden, B.C.	C.P.R.	Stopped in between cars and was crushed.	1	
3281	" 23.	Laconde, Alta.	C.P.R.	Slipped and fell under wheels of car.	1	
3283	" 9.	Fort William, Ont.	C.P.R.	Jumped off moving engine and was run over.	1	
3284	Nov. 21.	Arcola, Man.	C.P.R.	Crushed between cars while switching.		1
3285	Jan. 21.	Trenton, Ont.	C.N.O.	Caught while coupling cars.	1	
3286	Dec. 28.	Big Valley Yard, Alta.	C.N.O.	Thrown down when cars coupled together.		1
3290	Jan. 8.	Huntingdon, Que.	G.T.R.	Fell off moving car.		1
3292	Dec. 30.	Bay Shore	C.P.R.	Hand caught while making coupling.		1
3293	" 18.	Farnham Yard, Que.	C.P.R.	Attempted to board moving engine.		1
3294	Jan. 21.	Winnipeg, Ft. Rouge Yard,	C.P.R.	Fell off footboard of engine.		1
3295	Dec. 22.	Man.	C.N.R.	Caught between cars while making coupling.	1	
3296	Nov. 4.	Robin Side Track	C.N.R.	Cars collided in yard.		1
3298	" 9.	Mile 10, Peace River Branch	C.N.R.	Evidently fell of train and was run over.	1	
3299	" 4.	Strathcona, Alta.	C.P.R.	Run down in yard by moving engine.	1	
3300	Sept. 12.	Red Pass, B.C.	G.T.P.	Thrown off car by falling poles.	1	
3304	Jan. 21.	Kingston, Ont.	G.T.R.	Train ran in to stopping block.		2



## SESSIONAL PAPER No. 20c

3305	"	31.	Near Bron'e, Ont.	G.T.R.	When train was passing some obstacle hit passenger coach striking two passengers.	2
3309	"	15.	Between Oshawa and Jct., Ont.	G.T.R.	Shaker bar of engine slipped off.	1
3310	"	3.	Foxboro, Ont.	G.T.R.	Fell against seat when train started.	1
3311	Feb.	20.	Richelieu Bridge, Que.	G.T.R.	Fell from train into river.	1
3312	Jan.	2.	Toront, Ont.	G.T.R.	Jumped from moving engine.	1
3314	"	2.	Ruscomb, Ont.	M.C.R.	Caught between cars.	1
3317	"	19.	Venda, Sask.	C.N.R.	Attempted to board train in motion.	1
3321	Nov.	28.	Acton West, Ont.	G.T.R.	Jumped off moving train.	1
3324	Dec.	27.	Beauharnois, Que.	St. L. & A.	Caught between cars while making coupling.	1
3327	Feb.	22.	Junction Cut near Hamilton, Ont.	G.T.R.	Caught between tender and engine while making coupling.	1
3328	Jan.	1.	Windsor Yard, Ont.	M.C.R.	Jumped off moving car.	1
3330	Feb.	18.	Berlin, Ont.	G.T.R.	Shaker bar of engine slipped off.	1
3331	Jan.	5.	Alyth, Alta.	C.P.R.	Caught under cars while repairing saue.	1
3333	Feb.	8.	Big Valley Yard.	C.N.R.	Caught between operating lever and buffer plate.	1
3334	"	6.	Sherbrooke, Que.	C.P.R.	Fell from top of car.	1
3335	Jan.	27.	Glen Yard, Montreal.	C.P.R.	Fell between car and platform.	1
3340	Feb.	27.	Near Prairie Siding, Ont.	G.T.R.	Injector pipe of engine blew off.	2
3341	"	14.	Chapleau shop, Ont.	C.P.R.	Caught between corner of engine and door of shop.	1
3343	"	20.	Sortin Yard, Montreal.	C.P.R.	Caught between engine and car.	1
3347	"	20.	Richmond, Que.	G.T.R.	Run down in yard by moving engine.	1
3348	"	19.	Near Whithy Jct. Ont.	G.T.R.	Working on track, struck by train.	2
3349	"	23.	Havelock Yard, Ont.	C.P.R.	Run down in yard by moving engine.	1
3350	Jan.	30.	Windsor Yard, Ont.	M.C.R.	Caught while coupling cars.	1
3352	Feb.	17.	"	M.C.R.	"	1
3353	Jan.	20.	Victoria Yard, Ont.	M.C.R.	Fell from side of car.	1
3355	"	19.	Windsor Yard, Ont.	M.C.R.	Fell from top of car.	1
3356	Feb.	10.	Kingston Jct. Ont.	G.T.R.	Head caught between buffers while coupling cars	1
3357	"	27.	Lambton Yard, Ont.	C.P.R.	Crushed between car and tender of engine.	1
3358	Jan.	22.	Victoria Yard	M.C.R.	Caught head while climbing up car.	1
3360	Mar.	14.	Hamilton, Aberdeen Yard	T. H. & B.	Caught while coupling air hose	1
3361	Jan.	23.	Windsor, Ont.	M.C.R.	Fell between cars	1
Total.						351
						106

5 GEORGE V., A. 1915

## STATEMENT No. 11.—Recapitulation of Accidents Investigated.

	Number of investiga- tions.	Killed.	Injured.
Statement showing collisions attended by personal injury investigated during year ending March 31, 1914 .....	81	37	214
Statement showing derailments attended by personal injury investigated during year ending March 31, 1914.....	64	34	252
Statement showing highway crossing accidents attended by personal injury investigated during year ending March 31, 1914.....	136	61	121
Statement showing various other accidents attended by personal injury investigated during year ending March 31, 1914.....	433	106	351
Total .....	714	238	938

## STATEMENT No. 12.—Showing Highway Crossing Accidents by Provinces.

Name of Railway.	Ontario.	Quebec.	New Brunswick.	Nova Scotia.	Manitoba.	British Columbia.	Saskatchewan.	Alberta.	Yukon.	Total.
Canadian Pacific.....	15	16	....	....	5	1	1	....	....	38
Grand Trunk .....	48	23	....	....	....	....	....	....	....	71
Michigan Central .....	6	....	....	....	....	....	....	....	....	6
Canadian Northern .....	2	....	....	....	1	....	3	1	....	7
Niagara, St. Catharines & Toronto.....	1	....	....	....	....	....	....	....	....	1
Père Marquette.....	3	....	....	....	....	....	....	....	....	3
Canadian Northern, Quebec .....	....	1	....	....	....	....	....	....	....	1
Dominion Atlantic.....	....	....	....	1	....	....	....	....	....	1
Vancouver, Victoria & Eastern.....	....	....	....	....	....	1	....	....	....	1
Main Central .....	....	1	....	....	....	....	....	....	....	1
St. Lawrence & Adirondack.....	....	1	....	....	....	....	....	....	....	1
Toronto, Hamilton & Buffalo.....	1	....	....	....	....	....	....	....	....	1
Windsor, Essex & Lake Shore.....	1	....	....	....	....	....	....	....	....	1
Wabash.....	1	....	....	....	....	....	....	....	....	1
Winnipeg Joint Terminals .....	....	....	....	....	4	....	....	....	....	4
Grand Trunk Pacific.....	....	....	....	....	....	....	....	2	....	2
Esquimalt & Nanaimo.....	....	....	....	....	....	1	....	....	....	1
	78	42	....	1	10	3	4	3	....	141

NOTE.—In the above mentioned accidents there were 61 people killed and 115 injured, as set out in detail in Statement No. 2.

## SESSIONAL PAPER No. 20c

STATEMENT No. 13.—Showing Inspections of Highway Crossings at which Accidents happened attended by Personal Injury during year ending March 31, 1914.

File.	Place.	Railway.
Inv.		
2672	Port Hope, John street.....	G.T.R.
2673	Port Hope, Barrett street.....	G.T.R.
2679	Peterboro, Simcoe street.....	G.T.R.
2687	Pt. St. Charles, Hibernia street.....	G.T.R.
2719	Montreal, Guy street.....	G.T.R.
2721	Montreal, Versailles street.....	G.T.R.
2722	Pt. Du Lac, crossing 3 miles west.....	C.P.R.
2723	Mount Forest, Queen street.....	G.T.R.
2724	London, Waterloo street.....	G.T.R.
2725	Davidson, road crossing.....	C.N.R.
2731	Merrickville, first public crossing.....	C.P.R.
2732	St. Boniface, Archibald street.....	W.J.T.
2750	London, Burwell street.....	G.T.R.
2751	London, Burwell street.....	G.T.R.
2752	Woodstock, Wilson street.....	G.T.R.
2757	London, Talbot street.....	G.T.R.
2761	Cap St. Martin, public crossing.....	C.P.R.
2762	Berthier Junction, public crossing east.....	C.P.R.
2766	Deville, 2nd road crossing west.....	G.T.R.
2778	Aurora, Wellington street.....	G.T.R.
2803	Hamilton, Bailey street.....	T.H. & B.
2816	Maxville, first crossing east.....	G.T.R.
2822	Hochelaga, Cuivillier street.....	C.N.Q.
2829	Montreal, Fulford street.....	G.T.R.
2832	Foxboro, crossing 2 miles east.....	G.T.R.
2851	Mileage 22.79 crossing near St. Martins Jct.....	C.P.R.
2852	St. Madeline, crossing east of.....	G.T.R.
2863	Montreal, Papineau road.....	C.P.R.
2864	Montreal, Mountain street.....	G.T.R.
2866	Montreal, Decourculles street.....	G.T.R.
2878	Niagara Falls, Huron street.....	M.C.R.
2881	Burlington Jct., Brant street.....	C.P.R.
2882	St. Thomas, Moore street.....	M.C.R.
2901	Sandwich, crossing east of.....	W.E. & L.
2922	Guelph Jct., Edinburgh street.....	G.T.R.
2934	Burlington Jct., Brant House crossing.....	G.T.R.
2938	Vancouver Island, McKinnon crossing.....	E. & N.
2941	St. Johns, St. John street.....	C.P.R.
2943	Cobourg, University avenue.....	G.T.R.
2946	Glen Robertson.....	G.T.R.
2948	Masson, crossing west.....	C.P.R.
2950	Havelock, Concession street.....	C.P.R.
2953	Wolverton, road between lots 9 and 10.....	G.T.R.
2954	Colborne, first crossing $\frac{1}{4}$ miles west.....	C.N.O.
2955	Cobourg, Ontario street.....	G.T.R.
2956	Port Dover, St. Patrick street.....	C.P.E.
2960	Moffatt, First public crossing west.....	G.T.R.
2961	Clarkson, first crossing east.....	G.T.R.
2962	London, William street.....	G.T.R.
2963	Stoney Point, Tecumseh road.....	M.C.R.
2965	Welland, Muir street.....	M.C.R.
2975	Townsend, public crossing east.....	G.T.R.
2993	Montreal, Rose de Lima street.....	G.T.R.
2994	Lachine, Tenth avenue.....	C.N.R.
2996	Marieapolis, St. Paul street.....	C.P.R.
2999	Scarboro, Danforth avenue.....	G.T.R.
3001	Wyoming, crossing 1 mile east.....	C.P.R.
3007	Winnipeg, Godfrey avenue.....	G.T.R.
3013	Hastings, first crossing.....	G.T.R.
3027	Montreal, Colborne street.....	G.T.R.
3030	St. Justine, crossing west of station.....	C.P.R.
3047	Britannia, first crossing east.....	C.P.R.
3048	Little St. Martin, first crossing west.....	G.T.R.
3049	Montreal, St. Laurent crossing.....	C.P.R.
3050	St. Martin, Côte du Sud crossing.....	G.T.R.
3074	Port Colborne, Bush street.....	G.T.R.
3093	St. Hilaire, first crossing west.....	G.T.R.
3094	St. Hubert, public crossing west.....	G.T.R.
3095	Sherbrooke, Alexander street.....	C.P.R.



5 GEORGE V., A. 1915

STATEMENT NO. 13.—Showing Inspections of Highway Crossings at which Accidents happened attended by Personal Injury during year ending March 31, 1914—  
*Continued.*

File.	Place.	Railway.
Inv.		
3096	Farnham, Main street.	C.P.R.
3101	Chatham, Diamond crossing.	G.T.R.
3102	Renwick, public road south.	P.M.R.
3103	Buxton, road 200 feet west of station.	M.C.R.
3113	Souris, First avenue crossing.	C.P.R.
3120	Hamilton, Ottawa street.	G.T.R.
3125	Quebec, Cosford street, St. Roch.	C.P.R.
3129	Edmonton, Namayo avenue.	C.N.R.
3130	Lime Ridge, crossing east.	M.C.R.
3131	Alfred, crossing at M. P. 27.	C.P.R.
3136	London, William street.	G.T.R.
3138	Sudbury, Elm street.	C.P.R.
3143	Puslinch, crossing at M. P. 440.	C.P.R.
3161	Durham, public crossing west.	C.P.R.
3163	Winnipeg, Main street.	C.N.R.
3169	Three Rivers, Bonaventure street.	C.P.R.
3170	Pinewood, crossing between lots 5 and 6.	C.N.R.
3171	Brampton, Queen street.	C.P.R.
3175	Walkerville, crossing 2 miles east.	G.T.R.
3179	Toronto, Cherry street.	C.P.R.
3181	Brunner, public crossing east.	G.T.R.
3184	Hull, C.P.R. road crossing.	C.P.R.
3192	Alliston, first public crossing south.	C.P.R.
3199	Lorne Park.	G.T.R.
3200	Glencolin.	G.T.R.
3204	Montreal, St. Ambrose street.	G.T.R.
3205	Montreal, Hibernian road crossing.	G.T.R.
3207	Elmvale, crossing 1st mile south.	G.T.R.
3212	Rainy River, Little street.	C.N.R.
3233	Edmonton, William street.	G.T.P.
3225	Sheho, first crossing east.	C.P.R.
3234	Toronto, Bloor street.	G.T.R.
3244	Boucherville, Chemin du Lac crossing.	Q.M. & S.
3247	Kewatin street crossing, Winnipeg.	C.P.R.
3257	St. Thomas, Centre street.	P.M.R.
3265	Pt. St. Charles, Charlevoix street.	G.T.R.
3267	South Durham, St. Laurent street.	G.T.R.
3268	Fort Coulonge, Boon street.	C.P.R.
3282	Toronto, Trinity street.	C.P.R.
3288	Montreal, Atwater avenue.	C.P.R.
3297	South Indian, boundary road.	G.T.R.
3301	Thorndale, Main street.	G.T.R.
3302	St. elton, North street.	C.P.R.
3307	Armilla, east mile 4-75.	C.P.R.
3308	Chatham, crossing 2½ miles north.	G.T.R.
3313	Sapperton, Brunette street.	V.V. & E.
3315	Saskatoon, Thirty-third street.	C.N.R.
3316	Georgetown, Goodwillies crossing.	G.T.R.
3319	London, Colborne street.	G.T.R.
3320	Wallaceburg, Wallace street.	P.M.R.
3323	Edmunston, Temiscouata street.	G.T.R.
3326	Toronto, Arnotts Crossing, Esplanade.	G.T.R.
3329	Carlsbad Springs, second crossing east.	G.T.R.
3336	Montreal, St. Rémi street.	G.T.R.
3334	London, William street.	G.T.R.
3339	Woodstock, Light street.	G.T.R.
3342	St. Boniface, Provencer avenue.	G.T.R.
3346	Quebec, Carillon street.	W.J.T.
2648	Hamilton, corner of James and Hunter streets.	C.P.R.
2812	Montreal, Convent street.	G.T.R.
2939	Green Valley, crossing east.	C.P.R.
3080	Montreal, Chatham street.	G.T.R.
3351	London, Wellington street.	G.T.R.
3354	Sudbury, Elm street.	C.P.R.
3359	Niagara Falls, Bridge street.	G.T.R.
3364	Port Williams, station west of.	D.A.R.

## SESSIONAL PAPER No. 20c

STATEMENT No. 14.—Showing Inspection of Highway Crossings Complained of as being Dangerous and Requiring Protection.

File.	Place.	Railway.
9437 605	Pakenham, Ont., White Lake road . . . . .	C.P.R.
9437 993	Cobourg, Ont., King street crossing . . . . .	G.T.R.
9437 998	Cobles, Ont., crossing between Blenheim and Blandford townships . . . . .	C.P.R.
9437 1008	Aurora, Ont., Wellington street crossing . . . . .	G.T.R.
9437 207	Aurora, Ont., Yonge street crossing . . . . .	G.T.R.
9437 992	Bancroft, Ont., Hastings road . . . . .	C.O.R.
9437 316	Markdale, crossing west of station . . . . .	C.P.R.
9437 786	Sharbot Lake, Ont., crossing west of . . . . .	C.P.R.
9437 108	Peterborough, Ont., Norwood street . . . . .	C.P.R.
9437 431	Sherkston, Fort Erie and Port Colborne road . . . . .	G.T.R.
9437 853	Winona station, crossing east of station . . . . .	G.T.R.
9437 1011	West Hamilton, crossing west of . . . . .	T.H. & B.
9437 94	West Toronto, Wallace avenue crossing . . . . .	G.T.R.
9437 371	London, Gray street crossing . . . . .	P.M.R.
9437 1003	Shelburne, Ont., Victoria street crossing . . . . .	C.P.R.
9437 1004	Shelburne, Ont., Main street crossing . . . . .	C.P.R.
9437 1014	West Hamilton, Emerson street crossing . . . . .	T.H. & B.
9437 1023	Port Burwell, Ont., crossing 1 mile north . . . . .	C.P.R.
9437 104	Cooksville, Dundas street crossing . . . . .	C.P.R.
9437 1029	Embro, Ont., crossing at Lot No. 8 . . . . .	C.P.R.
9437 1030	Embro, Ont., crossing at Lot No. 10 . . . . .	C.P.R.
9437 1031	Embro, Ont., crossing east of . . . . .	C.P.R.
9437 1064	Elmsvale, Ont., crossing 1 mile north . . . . .	G.T.R.
9437 1101	Hillsburg, Ont., County Road crossing No. 14 . . . . .	C.P.R.
9437 1102	Moorefield, Ont., County Road crossing No. 8 . . . . .	G.T.R.
9437 1107	Central Ontario Junction, crossing east of . . . . .	C.P.R.
9437 1120	Chatham, Ont., Longwoods Road crossing . . . . .	P.M.R.
9437 1117	Oso, Ont., crossing south of . . . . .	C.P.R.
9437 102	Toronto, Woodbine avenue . . . . .	G.T.R.
9437 797	Peterborough, Ont., King street crossing . . . . .	G.T.R.
9437 269	Mountain Grove Station, crossing east . . . . .	C.P.R.
9437 1095	Alliston, Ont., Victoria street . . . . .	C.P.R.
9437 121	Lachine, Que., 18th street . . . . .	G.T.R.
9437 1037	Montreal, Longue Point, Des Ormeaux street . . . . .	C.N.Q.
9437 1067	Montreal, Maisonneuve, Bennett street crossing . . . . .	C.N.Q.
9437 554	Peterborough, Ont., Kings Road crossing . . . . .	G.T.R.
9437 1074	Winnipeg, Fort Rouge, Amelia street crossing . . . . .	G.T.R.
9437 1073	Mortlach, Sask., Government Road crossing . . . . .	C.P.R.
9437 978	Herbert, Sask., Highway crossing east of . . . . .	C.P.R.

5 GEORGE V., A. 1915

STATEMENT No. 15.—Showing Highway Crossings at which Protection Provided, and Nature of Protection, during the Year ending March 31, 1914.

Order No.	Location of Crossing.	Railway.	Nature of Protection.
19178	Hanover station, Highway crossing. east of.....	G.T.R.....	Limitation of Speed.
19215	Tp. of Bertie, Thompson Road.....	G.T.R.....	Subway.
19229	North Toronto, Osler Avenue.....	C.P.R.....	Gates.
19261	Smiths Falls, Chambers Street.....	C.P.R.....	Subway.
19308	Vaudreuil, Lake Shore Road.....	C.P.R. & G.T.R.	Gates.
19317	Toronto, Bartlett Avenue.....	C.P.R.....	"
19329	Chatham, La Croix Street.....	C.P.R.....	Electric Bell.
19332	Weston, King Street.....	C.P.R. & G.T.R.	Gates.
19392	Kingston, Perth Road.....	G.T.R.....	Electric Bell.
19430	Station 305-70, Subway Ave., White Rock	G.N.R.....	Pedestrian subway.
19500	Herbert, Sask., Government Road.....	C.P.R.....	Tracks to be removed to south side of main line.
19514	Mount Forest, Queen Street.....	G.T.R.....	Limitation of speed.
19528	Sherkston, Fort Erie and Port Colborne Road.....	G.T.R.....	Electric bell.
19549	St. Hilaire, Highway east of Station.....	G.T.R.....	"
19555	Prince Albert, Central Ave. and First Ave.	C.N.R.....	Watchman, 6.30 a.m. to 6.30 p.m.
19562	Glen Robertson, Clara Street.....	G.T.R.....	Electric bell.
19564	Port Credit, Hurontario Street.....	G.T.R.....	Watchman.
19566	Fort William, Frederica and Edward Sts.	C.N.R.....	Gates. (2)
19568	Scarboro, between lots 2 and 3.....	C.N.O.....	Electric bell.
19578	Sudbury, Kathleen Street.....	C.N.O.....	"
19624	Aurora, Wellington Street.....	G.T.R.....	Limitation of speed.
19625	Thorndale, Main Street.....	G.T.R.....	Electric bell.
19632	Yarker, Bridge Street.....	C.N.O.....	Gates.
19638	St. Boniface, Rue Plinguet St.....	C.P.R.....	Watchman 7.00 a.m. to 7.00 p.m.
19647	Glen Major.....	C.P.R.....	Electric bell.
19650	6.5 miles west of Ottawa-Chalk River, S.D.	C.P.R.....	"
19663	St. Boniface, Montcalm Street.....	C.P.R.....	Gates.
19672	St. Boniface, Archibald Street.....	W.J.T.....	Limitation of speed.
19696	Port Hope, John Street.....	G.T.R.....	Electric bell.
19707	Toronto, Cherry Street.....	G.T.R.....	Extension of watchman's hours from 5.00 p.m. to 7.00 p.m.
19756	Trenton, Sidney Street.....	C.N.O.....	Electric bell.
19762	Toronto, Bartlett Street.....	C.P.R.....	Gates.
19790	Beaconsfield.....	G.T.R.....	Watchman 8.00 a.m. to 7.00 p.m.
19791	Beaconsfield.....	C.P.R.....	"
19824	Medicine Hat, Toronto Street.....	C.P.R.....	Subway.
19830	Port Hope, Barrett Street.....	G.T.R.....	Train movements be flagged.
19831	Cobourg, King Street.....	G.T.R.....	"
19836	Kingsbury, Miller Crossing.....	C.P.R.....	Electric bell.
19837	Kingsbury, River Road.....	C.P.R.....	"
19850	Fort William Road between Fort William and Port Arthur.....	C.N.R.....	"
19887	Chatham, Centre Street.....	C.P.R.....	Gates.
19893	Milverton, Mill Street.....	G.T.R.....	Electric bell.
19895	Stanford, Marsh Winery Road.....	G.T.R. & M.C.R.	Removal of banks.
19905	Mileage 0-91 from St. Martin's Jet.....	C.P.R.....	Electric bell.
19907	Kingsville, crossing 1½ miles west.....	P.M.R.....	"
19916	Aurora, Yonge Street.....	G.T.R.....	"
20017	Shelburne, Main Street.....	C.P.R.....	"
20140	Milverton, Main Street.....	C.P.R.....	"
20185	Hamilton, Bailey Street.....	T.H. & B.....	Watchman
20191	St. Boniface, Montcalm Street.....	C.P.R.....	Gates.
20348	Mileage, 32 7, Port Burwell Branch, Pt. Burwell Rd.....	C.P.R.....	Electric bell.
20349	Oshawa, Prospect, Albert, Simcoe and Centre Sts.....	C.P.R.....	Gates. (4)
20371	Guelph, Edinburgh Street.....	G.T.R.....	Watchman, 7.00 a.m. to 7.00 p.m.
20411	Tp. of Haldimand, between lots 16 and 17.	C.P.R.....	Electric bell.
20432	Crossing near Mile. 197.7, Totfield-Calgary Branch.....	G.T.P.....	"
20449	Toronto, Wallace Avenue.....	G.T.R.....	Gates.
20514	Between Concessions 8 and 9 Co. of Haldimand.....	M.C.R.....	Electric bell.
20618	Carleton Place, east of.....	G.T.R.....	Gates.
20620	Tp. of Toronto, between lots 5 and 6.....	G.T.R.....	Electric bell.



## SESSIONAL PAPER No. 20c

STATEMENT No. 15.—Showing Highway Crossings at which Protection Provided, and Nature of Protection during Year ending March 31, 1914—*Continued.*

Order No.	Location of Crossing.	Railway.	Nature of Protection.
20661	Sarnia, south limit .....	P.M.R. ....	Electric bell.
20780	Mountain Grove station, east of .....	C.P.R. ....	"
20797	Britannia, first crossing east .....	C.P.R. ....	"
20803	Between Sec. 23 and 24, Tp. 26, Range 23, W. 3rd Meridian .....	C.N.R. ....	"
20845	Mileage 61 '87 Tp. of Tyendinaga .....	C.P.R. ....	"
20859	Edmonton, Whyte street .....	C.P.R. ....	Gates.
20862	Carman, Fournier and Browning avenue ..	C.N.R. ....	Limitation of speed. (2)
20874	Edmonton, First street and Namayo Ave.	G.T.P. ....	Gates. (2)
20955	Yorkton, Intersection of Broadway, Betts and Assin Ave. ....	C.P.R. ....	Watchman, 8.30 a.m. to 8.00 p.m. (3)
20962	Keene, one-half mile west .....	G.T.R. ....	Electric bell.
20964	St. Justine, Public road .....	" .....	"
21143	Embro, Public highway crossing, mileage 7 '5 .....	C.P.R. ....	"
21144	Embro, Public highway crossing mileage 8 '4 .....	" .....	"
21182	Waterford, First crossing east .....	M.C.R. ....	"
21223	Souris, First street. ....	C.P.R. ....	Gates.
21230	Green Valley, Second crossing east .....	" .....	Electric bell.
21235	Hochelaga, Cuvillier street .....	C.N.Q. ....	Gates.
11288	Brighton, Prince Edward street .....	C.P.R. ....	"
21289	London, William street .....	G.T.R. ....	To keep engine or cars 50 ft. away from east side of street.
21290	Hastings, first crossing east .....	" .....	Watchman, 7.00 a.m. to 8.00 p.m.
21359	Maisonneuve, Bennett avenue .....	C.N.Q. & M.T.R.	Gates.
21394	Montreal, Atwater avenue .....	C.P.R. ....	All train movements to be flagged over crossing.
21409	Chesley, Long street .....	G.T.R. ....	Limitation of speed.
21444	Port Moody, Kyle and Queen streets ..	C.P.R. ....	Electric bell. (2)
21466	Pakenham, White Lake road .....	" .....	"
21486	Lorne Park station .....	G.T.R. ....	"
21498	Hillsburg, County Road No. 14 .....	C.P.R. ....	"
21507	Toronto, St. Clair avenue .....	G.T.R. ....	Gates.
21578	South Indian, first highway crossing west.	" .....	Electric bell.
21594	Niagara Falls, Bridge street .....	" .....	All train movements to be flagged over crossing.
21611	Moorefield, County Road No. 8 .....	" .....	Electric bell.

## RECAPITULATION.

Watchman .....	12
Electric bell .....	44
Gates .....	25
Subway .....	4
Limitation of speed .....	7
Train movements be flagged .....	4
Removal of banks .....	1
Sidings to be kept clear of cars for certain distances from highway.	1
Tracks be moved .....	1
Total .....	99

5 GEORGE V., A. 1915

STATEMENT No. 16—Showing Station Locations approved of during Year ending  
March 31, 1914.

Name of Station.	Province.	Railway.	Order Number.	File Number.
Ambury	British Columbia	G. T. P.	18943	21420
Almuda	Cariboo Dist.	G. T. P.	19010	21623
Alpland	Cariboo Dist.	G. T. P.	19010	21635
Amell	Alberta	G. T. P.	19234	21786
Anerum	Saskatchewan	G. T. P.	19272	21888
Ardley	Alberta	G. T. P.	19366	21887
Argo	Alberta	G. T. P.	19385	21882
Ardath	Saskatchewan	C. N. R.	19659	19795
Aneroid	Saskatchewan	C. P. R.	19821	22668
Alcona	Ontario	G. T. P.	19820	22506
Assiniboia	Saskatchewan	C. P. R.	19933	22422
Arnable	Ontario	C. N. R.	20033	18402-79
Arundel	Quebec	C. N. O.	20130	21603
Annapolis	Nova Scotia	D. A. R.	20159	22907
Abbey	Saskatchewan	C. P. R.	20370	22836
Alice	Ontario	C. N. O.	20712	3561-192
Asphodel	Ontario	C. P. R.	21022	20327
Beament	Cassiar Dist.	G. T. P.	19010	21640
Bounty	Saskatchewan	C. P. R.	19186	21839
Bickerdike	Alberta	G. T. P.	19234	21792
Bigger	Saskatchewan	C. P. R.	19470	21403
Boundry Line	Saskatchewan	G. T. P.	19611	10791-34
Bethany Jet	Ontario	C. P. R.	20080	22487
Bratton	Saskatchewan	C. N. R.	20179	22970-1
Brighton	Ontario	C. P. R.	20331	3701-270
Bromhead	Saskatchewan	C. P. R.	20745	22823
Bengough	Saskatchewan	C. N. R.	20755	23342
Bowmanville	Ontario	C. L. O. & W.	20671	3701-163
Balstrode	Quebec	G. T. R.	21175	19061
Burch Point	Ontario	C. P. R.	21633	21497
Cedarvale	British Columbia	G. T. R.	18943	21415
Consort	Alberta	C. P. R.	18977	21545
Cadogan	Saskatchewan	C. P. R.	19186	21843
Czar	Saskatchewan	C. P. R.	19186	21856
Coatsworth	Ontario	P. M. R.	19324	20449
Conquest	Manitoba	C. N. R.	19278	22622
Cloan	Alberta	C. P. R.	19410	21499
Coast	British Columbia	G. T. P.	19377	22118
Carlo	Saskatchewan	G. T. P.	19587	21949
Croydon	British Columbia	G. T. P.	19643	22040
Cooking Lake	Alberta	G. T. P.	19867	21583
Corwin	Ontario	C. P. R.	19900	22099
Canyon	British Columbia	C. P. R.	19917	22265
Courtney	British Columbia	E. & N.	20143	22804
Comair	Alberta	C. P. R.	20190	21807
Chadray	Alberta	G. B. & S.	20468	22784
Chandler	Saskatchewan	C. N. R.	20714	23324
Coniston	Ontario	C. N. O.	20966	23431
Coalspin	Alberta	G. T. P.	21103	22639
Cramake	Ontario	C. P. R.	21111	3701-337
Casseland	Alberta	C. P. R.	21160	23555
Cadillac	Saskatchewan	C. P. R.	21455	23813
Dareen	British Columbia	G. T. P.	18943	21412
Doughty	British Columbia	G. T. P.	19010	21632
Dana	Ontario	C. N. O.	19089	3561-145
Dandurand	Alberta	G. T. P.	19191	21787
Dakota	Alberta	G. T. P.	19192	21695
Duffield	Alberta	G. T. P.	19193	21693
Della	Saskatchewan	C. P. R.	19153	21-38
Dyce	Alberta	G. T. P.	19313	21850
Danzel	Saskatchewan	C. P. R.	19315	21818
Dawson	Saskatchewan	G. T. P.	19377	22122
Dawson	British Columbia	G. T. P.	19643	22044
Dawson	Saskatchewan	G. T. P.	19845	21947
Duffin	Manitoba	C. N. R.	19969	22273
Dani	Manitoba	C. N. R.	20265	22819
Dunlop	Alberta	G. T. P.	20341	21890
Deseronto	Ontario	C. N. O.	20707	3878-562
Denhart	Alberta	C. P. R.	21548	23733

## SESSIONAL PAPER No. 20c

STATEMENT No. 16—Showing Station Locations approved of during Year ending  
March 31, 1914—Continued.

Name of Station.	Province.	Railway.	Order Number.	File Number.
Exstew .....	British Columbia.	G. T. P.	18943	21425
Edmonton .....	Alberta	C. P. R.	19092	21978
Ernfold .....	Saskatchewan	C. P. R.	19152	21842
Edenwold .....	Saskatchewan.	G. T. P.	19385	21884
Enibarras .....	Alberta	G. T. P.	19817	22202
Erith .....	Alberta	G. T. P.	19817	22199
Eddy .....	British Columbia.	G. T. P.	20275	22706
Endako .....	British Columbia.	G. T. P.	21164	3452-79
Ekfrid .....	Ontario.	G. T. R.	21577	23473
Fleet .....	Alberta	C. P. R.	18977	21546
Froude .....	Saskatchewan	C. P. R.	19315	21844
Fee .....	Saskatchewan	G. T. P.	19385	21885
Fort William .....	Ontario	G. T. P.	19377	
			and 19820	22119
Fort .....	Saskatchewan	G. T. P.	19589	21892
Farm Point .....	Quebec	C. P. R.	*	
Frater .....	Ontario	A. C. & H. B.	20182	22676
Foremost .....	Alberta	C. P. R.	20444	19574-3
Franklin .....	Alberta	C. B. & S.	20468	22784
Grantbrook .....	Cariboo Dist.	G. T. P.	19010	21638
Geikie .....	Alberta	G. T. P.	19094	21637
Galloway .....	Alberta	G. T. P.	19204	21785
Galea .....	Ontario	C. N. O.	19565	3561-147
Grafton .....	Ontario	C. P. R.	15931	3701-313
Gorlitz .....	Saskatchewan	C. P. R.	20016	22886
Gravelbourg .....	Saskatchewan	C. N. R.	20838	23448
Gravel .....	Ontario	C. P. R.	20836	23346
Huxley .....	Alberta	G. T. P.	19028	21436
Hinton .....	Alberta	G. T. P.	19097	21854
Hargiven .....	Alberta	G. T. P.	19204	21789
Herschel .....	Saskatchewan	C. P. R.	19202	18112
Hanna .....	Alberta	C. N. R.	19203	22081
Hitchcock .....	Saskatchewan	C. P. R.	19289	21820
Horne .....	Saskatchewan	G. T. P.	19377	22120
Hazermore .....	Saskatchewan	C. P. R.	19821	22671
Hillhead .....	Ontario	C. P. R.	19986	2100-112
Hartley .....	Ontario	C. P. R.	20147	2100-117
Hearn .....	Ontario	C. N. O.	20712	3561-193
Harnsworth .....	Manitoba.	C. P. R.	20933	23378
Interlachen .....	Alberta	G. T. P.	19313	21855
Isle Jesus .....	Quebec	C. N. O.	20532	2342-108
Jordan .....	Ontario	G. T. R.	19217	19917
Jasper .....	Alberta	G. T. P.	19344	21853
Kwinitsa .....	British Columbia	G. T. P.	18943	21411
Kandahar .....	Saskatchewan	C. P. R.	19131	21845
Khedive .....	Saskatchewan	C. P. R.	19750	22142
Kincaid .....	Saskatchewan	C. P. R.	19821	22669
Kelley .....	Ontario	G. T. P.	19820	22504
Kathmore .....	Ontario	C. N. O.	20506	3561-191
Lucerne .....	Cariboo Dist.	G. T. P.	19010	21634
Les Cedres .....	Quebec	G. T. R.	19106	20915
Linko .....	Quebec	G. T. R.	19377	22121
Lett .....	Saskatchewan	G. T. P.	19627	21948
Landscape .....	Saskatchewan	C. P. R.	19821	22670
Little Current .....	Manitoba.	A. E. R.	19819	10844
Lancer .....	Saskatchewan	C. P. R.	20008	22841-25
Limerick .....	Saskatchewan	C. P. R.	20229	22730
Lefleche .....	Saskatchewan	C. P. R.	20343	22729
Lemsford .....	Saskatchewan	C. P. R.	20370	22835
Lonsdale .....	Ontario	C. P. R.	20652	3701-329
Loch Earn .....	Alberta	C. P. R.	21162	23530
Lac a Traverse .....	Ontario	C. N. O.	21632	21443
Moricetown .....	British Columbia	G. T. P.	18971	21734
Monitor .....	Alberta	C. P. R.	18977	21547
Mont Robson .....	Cariboo Dist.	G. T. P.	19010	21622
Medicine Lodge .....	Alberta	G. T. P.	19191	21791
Mileage 27 .....	British Columbia	E. & N.	19163	20928

\* Removal of station only.



STATEMENT No. 16—Showing Station Locations approved of during Year ending  
March 31, 1914—Continued.

Name of Station.	Province.	Railway.	Order No.	File No.
Mileage 422..	British Columbia..	G. T. P. ....	19220	21630
Mileage 7 '89..	Ontario..	C. P. R. ....	19238	3701. 285
Meitte Hot Springs..	Alberta ..	G. T. P. ....	19313	21849
Mozart ..	Saskatchewan..	C. P. R. ....	19315	21846
Maisonneuve..	Quebec ..	C. N. O. ....	19305	18583
Mileage 34 '7..	British Columbia	G. T. P. ....	19385	22041
Mileage 1155 '6..	British Columbia	G. T. P. ....	19588	22037
Mileage 1147 '2..	British Columbia	G. T. P. ....	19588	22037
Mileage 1170 '5 C.D.	Cariboo District..	G. T. P. ....	19643	22036
Mileage 1190 '9 C.D.	Cariboo District..	G. T. P. ....	19643	22038
Mileage 1185 '0 C.D.	Cariboo District..	G. T. P. ....	19643	22039
Mileage 1198 '0 C.D.	Cariboo District..	G. T. P. ....	19643	22046
Mileage 1161 '9 C.D.	Cariboo District..	G. T. P. ....	19643	22043
Megronne ..	Saskatchewan..	C. P. R. ....	19821	22667
Minehead ..	Alberta ..	G. T. P. ....	19817	22203
Mileage 428 '5..	British Columbia	G. T. P. ....	19930	32561
Mileage 9 '56..	Quebec ..	I. & J. B. ....	20062	22723
Mileage 162 '06..	Ontario..	C. N. O. ....	20180	3561. 142
Morinville ..	Alberta ..	E. D. & B. C. ....	20321	18903 20
Milaval ..	Saskatchewan..	C. P. R. ....	20343	22725
Mileage 1179 '2..	British Columbia	G. T. P. ....	20350	21951
Musquash..	New Brunswick..	C. P. R. ....	20471	22861
Master ..	Ontario..	C. N. O. ....	20566	3561. 190
Mileage 143 '03..	Ontario..	C. P. R. ....	20536	3701. 332
Mileage 18 '00..	Ontario..	C. L. O. ....	21140	3701. 328
McLeod River..	Alberta ..	G. T. P. ....	19817	22201
MacRorie..	Saskatchewan..	C. N. R. ....	20016	22935
Mara ..	British Columbia..	C. P. R. ....	20731	22926
Maidstone..	Ontario..	W. E. & L. S. ....	20895	23477
M. P. 95..	British Columbia	G. T. P. ....	20969	3452. 71
Milton ..	Ontario..	C. P. R. ....	21069	23457
Millicent..	Alberta ..	C. P. R. ....	21401	23732
Moosejaw siding..	Alberta ..	G. T. P. ....	21483	23771
Neely ..	Saskatchewan	G. T. P. ....	19259	21891
New Lowell..	Ontario..	G. T. R. ....	19844	22492
Nolan ..	Alberta ..	C. P. R. ....	19894	22259
North Appin..	Ontario..	C. P. R. ....	19908	22109
Neptune ..	Saskatchewan	C. P. R. ....	20633	22831
Notukew ..	Saskatchewan..	C. P. R. ....	21469	23811
National Park..	Ontario..	C. N. O. ....	21624	21644
Obed ..	Alberta ..	G. T. P. ....	19234	21790
Odell ..	Ontario..	C. P. R. ....	19374	22110
Onaway ..	Alberta ..	C. N. R. ....	19656	21496
Overton ..	Ontario..	C. P. R. ....	20568	3701. 330
Outram ..	Saskatchewan..	C. P. R. ....	20719	22822
Oaksbela ..	Saskatchewan..	C. P. R. ....	20693	22942
Phelan ..	British Columbia	G. T. P. ....	18943	21421
Penzance ..	Saskatchewan..	C. P. R. ....	19168	21841
Parkgate..	Alberta ..	G. T. P. ....	19313	21851
Plunkett ..	Saskatchewan	C. P. R. ....	19315	21847
Pedley ..	Alberta ..	G. T. P. ....	19344	21652
Port Hope ..	Ontario..	G. T. R. ....	19417	3675. 4
Petry ..	Ontario..	G. T. P. ....	19620	22503
Portreeve..	Saskatchewan..	C. P. R. ....	20001	22839
Putnam ..	Ontario..	C. P. R. ....	19998	7214. 29
Prussia ..	Saskatchewan..	C. P. R. ....	20007	22840
Port Burwell..	Ontario..	C. P. R. ....	20193	22985
Prelate..	Saskatchewan..	C. P. R. ....	20370	22837
Port Hope ..	Ontario..	C. P. R. ....	20505	3701. 336
Port McNicol..	Ontario..	C. P. R. ....	20777	2100. 120
Purham Junction..	Ontario..	C. P. R. ....	21166	3701. 334
Parsons..	British Columbia..	C. P. R. ....	21338	23529
Pontreux ..	Saskatchewan..	C. P. R. ....	21469	23812
Prairie Siding ..	Quebec ..	G. T. R. ....	21491	22815
Qualicum ..	British Columbia	E. & N. ....	20606	23127
Rainbow ..	Cariboo District..	G. T. P. ....	19010	21624
Red Pass ..	Cariboo District..	G. T. P. ....	19010	21639
Reford..	Saskatchewan..	C. P. R. ....	18634	21399

## SESSIONAL PAPER No. 20c

STATEMENT No. 16.—Showing Station Locations Approved of during Year ending  
March 31, 1914—*Continued.*

Name of Station.	Province.	Railway.	Order Number.	File Number.
Rockhaven.....	Saskatchewan	C. P. R.	19188	21837
Rokeby.....	Saskatchewan	C. P. R.	19158	21845
Roundcroft.....	Alberta	G. T. P.	19204	21788
Resplendent.....	British Columbia	G. T. P.	19270	21633
Rossmann.....	Saskatchewan	G. T. P.	19376	21893
Retlaw.....	Alberta	C. P. R.	19454	21808
Ranch Valley.....	British Columbia	G. T. R.	19643	22042
Rideau.....	Ontario	G. T. R.	19609	21221
Radville.....	Saskatchewan	C. N. R.	19891	10799, 156
Ronolane.....	Alberta	C. P. R.	20019	21806
Readlyn.....	Saskatchewan	C. P. R.	20343	22727
Regent.....	Manitoba	C. P. R.	20442	22818
Reeder.....	Manitoba	C. P. R.	21023	23385
Reba.....	Ontario	G. T. P.	21231	22136
Rosemary.....	Alberta	C. P. R.	21401	23734
Salvus.....	British Columbia	G. T. P.	18943	21424
Sockeye.....	British Columbia	G. T. P.	18943	21422
Shames.....	British Columbia	G. T. P.	18943	21413
Swiftwater.....	Cariboo Dist.	G. T. P.	19010	21625
Seaton.....	British Columbia	G. T. P.	19010	21631
Skeena City.....	British Columbia	G. T. P.	19200	19012
Stranrair.....	Saskatchewan	C. P. R.	19186	21821
Sovereign.....	Saskatchewan	C. P. R.	19153	21840
St. Joachim.....	Ontario	C. P. R.	19791	22111
Sterling.....	Alberta	C. P. R.	19499	21754
Smoky Falls.....	Ontario	C. N. O.	19386	3561, 146
Siding No. 1.....	Saskatchewan	G. T. P.	19442	22035
Shera.....	British Columbia	G. T. P.	19643	22034
Salmon Arm.....	British Columbia	C. P. R.	19733	19616
M. P. 47, Cut Knife.....	Saskatchewan	G. T. P.	21889	19888
Sceptre.....	Saskatchewan	C. P. R.	20001	22842
Shackleton.....	Saskatchewan	C. P. R.	20006	22838
Smithers.....	British Columbia	G. T. P.	20361	19308
Schepler.....	Ontario	C. P. R.	20425	2100, 121
Strathmead.....	Alberta	C. P. R.	20464	23007
Strangmuir.....	Alberta	C. P. R.	20404	23098
Seagrane.....	Ontario	C. P. R.	20603	23189
St. Boniface.....	Manitoba	G. T. R.	20331	23276
St. Albert.....	Manitoba	C. N. R.	20900	20170
Shannonville.....	Ontario	C. N. R.	21056	3701, 338
Snowden.....	Ontario	C. P. R.	21231	22137
Shaunavon.....	Saskatchewan	C. P. R.	21459	23835
Spillimaheen.....	British Columbia	G. T. P.	21582	23528
Tenace.....	British Columbia	C. P. R.	18943	21414
Trenton.....	Ontario	C. P. R.	19005	3701, 254
Tralee.....	Ontario	G. T. P.	19361	22108
Thornton.....	Alberta	G. T. P.	19393	21692
Totzske.....	Alberta	C. P. R.	19613	21886
Trossachs.....	Saskatchewan	C. P. R.	19869	21817
Tribune.....	Saskatchewan	G. T. P.	20745	22820
Tyee.....	British Columbia	G. T. P.	20700	21417
Telkwa.....	British Columbia	C. P. R.	20857	22258
Two Creeks.....	Manitoba	G. T. P.	20933	23377
Tatlow.....	British Columbia	G. T. P.	21095	22637
Usk.....	British Columbia	E. & N.	18943	21423
Union Bay.....	British Columbia	C. P. R.	22893	20143
Uptergrove.....	Ontario	G. T. P.	30549	2100, 122
Unaka.....	Ontario	G. T. P.	21231	32138
Vanarsdel.....	British Columbia	C. P. R.	18943	21416
Veteran.....	Alberta	C. P. R.	18993	21540
Verwood.....	Saskatchewan	C. P. R.	19821	22566
Valor.....	Saskatchewan	G. T. P.	21100	22724
Woodcock.....	British Columbia	C. P. R.	18943	21419
Warner.....	Alberta	C. P. R.	19151	20740
Wolverton.....	Ontario	G. T. P.	19358	22112
Wakaw.....	Saskatchewan	G. T. P.	19385	31883
Weald.....	Alberta	C. N. O.	19817	22200

STATEMENT No. 16.—Showing Station, Locations Approved of during Year ending  
March 31, 1914—*Concluded.*

Name of Station.	Province.	Railway.	Order No.	File No.
Westmeath.....	Ontario.....	C. P. R. ....	20077	3561.144
Willows.....	Saskatchewan.....	C. N. R. ....	20225	22726
Webster.....	Saskatchewan.....	C. P. R. ....	20340	23071
Woodrow.....	Saskatchewan.....	C. P. R. ....	20343	32728
Whithy.....	Ontario.....	C. P. R. ....	20563	3701.221
Westerham.....	Saskatchewan.....	C. P. R. ....	20745	23366
Willon.....	Manitoba.....	C. P. R. ....	20944	23384
Wilkinson.....	Ontario.....	G. T. P. ....	21608	3701.365
Yellowhead.....	British Columbia..	G. T. P. ....	19010	21636
Yates.....	Alberta.....	G. T. P. ....	19161	21793
Yonde.....	Ontario.....	G. T. P. ....	19820	22505
Zohner.....	Saskatchewan.....	G. T. P. ....	19385	21894



## SESSIONAL PAPER No. 20c

STATEMENT No. 17.—Showing Cars Inspected for the Year ending March 31, 1914, together with defects noted.

Name of Railway.	Cars Inspected.	Cars Defective.	Per cent Defective.	Total number defects.	Number of defects in couplers and parts.	Per cent defective.	Number of defects in Uncoupling Mechanism.	Per cent defective.	Number of defects in Handholds.	Per cent defective.
Canadian Pacific.....	62,401	5,410	8.67	5,781	159	2.75	784	13.52	134	2.31
Grand Trunk.....	32,096	2,684	8.36	2,897	137	4.72	572	19.75	44	1.51
Canadian Northern.....	6,193	842	13.59	959	15	1.56	121	12.62	27	2.82
Canadian Northern Quebec.....	3,886	373	9.59	399	9	2.26	49	12.28	2	.50
Grand Trunk Pacific.....	2,982	378	12.67	426	6	1.40	42	9.86	24	5.63
Père Marquette.....	478	47	9.83	52	3	5.76	4	7.69	7	13.46
Toronto, Hamilton & Buffalo.....	370	32	8.64	37	2	5.40	5	13.51	1	2.70
Quebec, Montreal & Southern.....	563	79	12.25	80	2	6.25	8	10.00	..	..
Central Vermont.....	250	31	12.4	32	2	..	6	18.75	..	..
Boston & Maine.....	636	50	7.86	51	..	..	5	9.80	1	1.96
Morrissey, Fernie & Michel.....	65	18	27.69	18	..	..	1	5.55	..	..
Michigan Central.....	172	12	6.97	12	..	..	1	8.33	..	..
St. Lawrence & Adirondack.....	60	7	11.66	8	..	..	2	25.00	..	..
Dominion Atlantic.....	35	6	17.14	6	1	16.66	1	16.66	..	..
Bay of Quinte.....	10	7	70.00	11	2	18.18	5	45.45	..	..
Ottawa & New York.....	33	3	9.09	3	..	..	..	..	..	..
Great Northern.....	175	8	4.57	8	..	..	..	..	..	..
Kettle Valley.....	2	2	100.00	2	..	..	..	..	1	50.00
Total.....	110,407	9,989	9.05	10,782	336	3.12	1,606	14.88	241	2.24

STATEMENT No. 17. Showing cars inspected for Year ending March 31, 1914, together with defects noted *Continued.*

Name of Railway.	Number of defects in Air brakes.	Per cent defective.	Number of defects in Ladders.	Per cent defective.	Number of defects in Sill steps.	Per cent defective.	Number of defects in height of Couplers.	Per cent defective.	Number of Miscellaneous defects.	Per cent defective.
Canadian Pacific .....	3,299	57.10	439	7.57	255	4.41	11	0.19	700	12.24
Grand Trunk.....	1,478	51.01	56	1.93	61	2.10	8	0.28	541	18.67
Canadian Northern.....	590	61.52	43	4.43	80	8.34	1	0.10	82	8.55
Canadian Northern, Quebec.....	216	54.11	68	17.04	10	2.50			45	11.28
Grand Trunk Pacific.....	156	36.61	35	8.22	74	17.37			89	20.80
Père Marquette.....	23	44.23			2	3.84	1	1.92	12	22.07
Toronto, Hamilton and Buffalo.....	20	54.05	1	2.70	1	2.70			7	18.92
Quebec, Montreal and Southern.....	58	72.5	3	3.75					11	13.75
Central Vermont.....	20	62.5							4	12.5
Boston and Maine.....	38	74.51	1	1.96	1	1.96			5	9.80
Morrissey, Fernie and Michel.....	17	94.44								
Michigan Central.....	9	75.00							2	16.66
St. Lawrence and Adirondack.....	2	25.00	1	12.5					3	37.5
Dominion Atlantic.....	2	33.33							2	33.33
Bay of Quinté.....	3	27.27							1	9.09
Ottawa and New York.....	2	66.66							1	33.33
Great Northern.....	2	25.00							6	75.00
Kettle Valley.....					1	50.00				
Total.....	5,935	55.05	647	6.00	485	4.49	21	0.20	1,511	14.01

## SESSIONAL PAPER No. 20c

STATEMENT No. 18.—Defective Appliances on Freight Cars, Reported by Inspectors.  
for Year ending March 31, 1914.

## COUPLERS AND PARTS.

Coupler, body broken.....	5
Coupler, body worn.....	..
Guard, arm short.....	10
Knuckle, broken.....	2
Knuckle, worn.....	23
Knuckle, missing.....	5
Knuckle pin, broken.....	9
Knuckle pin, wrong.....	4
Knuckle pin, bent.....	5
Knuckle pin, missing.....	173
Lock block, broken.....	2
Lock block, worn.....	1
Lock block, wrong.....	87
Lock block, bent.....	10
Lock block, inoperative.....	..
Lock block, missing.....	..
Lock block key, missing.....	..
Lock block trigger, missing.....	..
Total.....	336

## UNCOUPLING MECHANISM.

Uncoupling lever, broken.....	270
Uncoupling lever, wrong.....	65
Uncoupling lever, bent.....	59
Uncoupling lever, incorrectly applied.....	5
Uncoupling lever, missing.....	125
Uncoupling chain, broken.....	941
Uncoupling chain, too long.....	21
Uncoupling chain, too short.....	2
Uncoupling chain, kinked.....	1
Uncoupling chain, missing.....	37
End casting, broken.....	4
End casting, wrong.....	..
End casting, bent.....	6
End casting, loose.....	1
End casting, incorrectly applied.....	1
End casting, missing.....	6
Keeper, broken.....	..
Keeper, wrong.....	..
Keeper, bent.....	39
Keeper, loose.....	..
Keeper, incorrectly applied.....	12
Keeper, missing.....	11
Angle clip, loose.....	..
Total.....	1,606

## HANDHOLDS.

Handhold, broken.....	16
Handhold, bent.....	85
Handhold, loose.....	22
Handhold, incorrectly applied.....	2
Handhold, missing.....	116
Total.....	241

## MISCELLANEOUS.

.....	1,511
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5 GEORGE V., A. 1915

STATEMENT No. 18.—Defective Appliances on Freight Cars, Reported by Inspectors,  
for Year ending March 31, 1914—*Concluded.*

AIR BRAKES.

Triple valve, defective	
Triple valve, missing	
Reservoir, defective	
Reservoir, loose	
Cylinder, defective	2
Cylinder, loose	17
Cylinder in triple valve not cleaned within 12 months	531
Cylinder in triple valve not stencilled with date of cleaning	27
Cut out cock, defective	151
Release cock, defective	2
Release cock, missing	1
Release rod, broken	73
Release rod, missing	296
Angle cock, defective	269
Angle cock, missing	45
Train pipe, broken	30
Train pipe, loose	202
Train pipe, bracket missing	5
Cross-over pipe, defective	49
Hose, defective	22
Hose, missing	168
Hose gasket, missing	
Retaining valve, defective	507
Retaining valve, missing	7
Retaining pipe, defective	226
Retaining pipe, missing	6
Brake rigging, defective	18
Brake, cut out	3,232
Brake cut out; card old	19
No brake of any kind	30
Pump, missing	
Total	5,935

LADDERS.

Ladder round, broken	105
Ladder round, bent	249
Ladder round, loose	248
Ladder round, missing	23
Ladder, loose	21
Ladder, incorrectly applied	1
Total	647

SILL STEPS.

Sill step, broken	19
Sill step, bent	286
Sill step, loose	24
Sill step, incorrectly applied	1
Sill step, missing	155
Total	485

HEIGHT OF COUPLERS.

Coupler, too high	1
Coupler, too low	20
Carrier iron, loose	
Total	21
Grand Total	10,782

## SESSIONAL PAPER No. 20c

STATEMENT No. 19.—Comparative Statement of Defects on Freight Cars between the Year ending March 31, 1913, and March 31, 1914.

	1913.	1914.
Couplers and parts.....	493	336
Uncoupling mechanism.....	2,632	1,606
Handholds.....	560	241
Air brakes.....	2,946	5,935
Ladders.....	801	647
Sill Steps.....	613	485
Height of couplers.....	31	21
Miscellaneous.....	1,110	1,511
Grand total.....	14,186	10,782

COMPARATIVE Statement of Cars Inspected and Defective between the Years ending March 31, 1913, and March 31, 1914.

	1913.	1914.
Cars inspected.....	137,054	110,407
Cars defective.....	13,110	9,989
Percentage defective .....	9.53%	9.05%

5 GEORGE V., A. 1915

## APPENDIX G.

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS  
FOR THE YEAR ENDING MARCH 31, 1914.

## TRAFFIC DEPARTMENT.

Name.	Occupation.	Date of Order in Council.	Salary.
			\$
Hardwell, James.....	Traffic expert.....	June 22, 1904. . .	5,000
Brown, G. A.....	Chief clerk.....	Oct. 3, 1904. . .	2,250
McManus, C. E.....	Clerk.....	Aug. 20, 1904. . .	1,300
Routhier, C. C.....	".....	Aug. 14, 1906. . .	1,250
Lalonde, F.....	".....	May 6, 1907. . .	1,150
Allen, J. S.....	".....	May 6, 1907. . .	1,150
Messenger, H. W.....	".....	July 8, 1904. . .	1,100
Usher, J. R.....	".....	May 6, 1907. . .	1,000
Wainwright, W. R. G.....	".....	April 27, 1909. . .	1,000
Chapman, C. M. B.....	".....	April 11, 1907. . .	900
Harvey, R.....	".....	Oct. 6, 1911. . .	850
Brethour, L. L.....	".....	Dec. 2, 1911. . .	850
Drum, A. B.....	".....	Feb. 6, 1913. . .	800

## ENGINEERING DEPARTMENT.

Mountain, G. A.....	Chief Engineer.....	June 30, 1904.....	5,000
Simmons, T. L.....	Asst. Chief Engineer.....	Oct. 3, 1904.....	2,900
1 Drury, H. A. K.....	1st Asst. Engineer.....	June 25, 1906.....	3,200
Belanger, A. A.....	2nd Asst. Engineer.....	May 28, 1910.....	2,800
1 Kerr, A. T.....	3rd Asst. Engineer.....	Aug. 1, 1911.....	2,900
2 Murphy, J.....	Electrical Engineer.....	May 15, 1906.....	
Foulds, J. R.....	Clerk.....	Aug. 4, 1906.....	1,050
Wadsworth, E. W.....	".....	Sept. 12, 1912.....	800

## RECORD DEPARTMENT.

Thomson, J. W.....	Chief Clerk.....	Sept. 1, 1904.....	1,350
Huband, C. S.....	Acting Record Officer.....	May 1, 1905.....	1,300
Jamieson, W. A.....	Clerk.....	Aug. 14, 1906.....	1,050
Langelier, D.....	".....	Aug. 20, 1904.....	1,000
Martin, J. E.....	".....	May 6, 1907.....	1,000
Demers, F. R.....	Statistical Clerk.....	Aug. 31, 1905.....	950
Chambers, D.....	Clerk.....	June 29, 1910.....	950
Lyon, N. B.....	".....	May 11, 1911.....	900
Carruthers, J. P.....	".....	Sept. 12, 1912.....	850
Edwards, F. A.....	".....	Oct. 19, 1912.....	800
Lajoie, V.....	".....	Dec. 10, 1913.....	800

1 Includes living allowance of \$300 a year during residence in West.

2 Salary paid by Railways and Canals Department.



## SESSIONAL PAPER No. 20c

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS  
FOR THE YEAR ENDING MARCH 31, 1914—*Continued.*

## SECRETARY'S DEPARTMENT.

Name.	Occupation.	Date of Order in Council.	Salary.
Ecclestone, A. E.	Chief Clerk	Aug. 14, 1906	1,500
Arbick, J.	Clerk	May 2, 1905	1,000
Larocque, A.	"	Dec. 31, 1908	950
Hollington, P.	"	Oct. 19, 1912	800
Timmins, J.	"	Feb. 6, 1913	800
Latour, T. D.	Mailing Clerk	Dec. 21, 1907	800
Bourgault, L.	Clerk	Dec. 8, 1913	800
Bliss, Miss M.	Stenographer	May 29, 1911	700
Gamble, C. L.	"	July 19, 1912	650
McGuire, Miss E.	"	July 27, 1912	650
Murphy, Mrs. L.	"	June 25, 1913	650
Hardy, Miss J.	"	Sept. 24, 1913	650
Parish, Miss P.	"	Nov. 21, 1913	650

## ASSISTANT SECRETARY'S DEPARTMENT.

Primeau, E. A.	Assistant secretary for French correspondence	May 7, 1904	2,700
Lapointe, A.	Chief clerk and accountant	May 6, 1907	1,100
Casey, T. H.	Clerk	Aug. 28, 1909	900
Turcot, Miss A. M.	Stenographer	May 29, 1911	700

## OPERATING DEPARTMENT.

1 Nixon, A. J.	Chief operating officer	Oct. 1, 1909	4,200
Spencer, Geo.	"	Sept. 24, 1913	3,600
Lalonde, E. C.	Inspector	Aug. 20, 1904	2,300
Ogilvie, J.	Mechanical expert	May 4, 1907	2,300
2 McCaul, M. J.	Inspector	May 6, 1907	2,300
Clark, J.	"	May 6, 1907	2,000
Blyth, W. S.	"	May 6, 1907	2,000
2 Hudson, A. E.	"	May 3, 1912	2,100
Gillett, L. D.	"	May 3, 1912	1,800
2 Gardner, J.	"	May 3, 1912	2,100
Harris, T.	"	May 3, 1912	1,800
2 Shinnick, J. H.	"	Dec. 31, 1908	1,700
Ward, H. H.	Chief clerk	Feb. 11, 1911	1,500
Poulin, A.	Inspector	July 28, 1911	1,200
3 Nelson, E. E.	"	Mar. 1, 1914	1,050
Britton, T. G.	"	May 6, 1907	1,050
Dunsmore, F. E.	"	Oct. 14, 1912	900
Parker, C. M.	"	Oct. 14, 1912	800
Beggs, D. A.	"	Mar. 1, 1914	800
O'Connor, Miss G. M.	Stenographer	Dec. 31, 1908	800
Scroggie, Miss M. H.	"	Jan. 25, 1913	600
3 Barber, Miss E. A. H.	"	May 6, 1907	950
3 McDonald, Miss N.	"	Oct. 14, 1910	900

## FIRE INSPECTION DEPARTMENT.

4 Leavitt, C.	Chief fire inspector	Feb. 22, 1913	800
Johnson, H. C.	Fire inspector	Feb. 6, 1913	1,800
White, R. J.	Chief clerk	June 29, 1913	900

1 Died January 12, 1914.

2 Includes living allowance of \$300 a year during residence in West.

3 Includes living allowance of \$150 a year during residence in West.

4 The salary of Mr. Leavitt is \$3,600 per annum ; difference paid by the Conservation Commission.

5 GEORGE V., A. 1915

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS  
FOR THE YEAR ENDING MARCH 31, 1914—*Concluded.*

## LAW DEPARTMENT.

Name.	Occupation.	Date of Order in Council.	Salary.
			\$
Blair, A. G. ....	Law clerk. ....	Aug. 20, 1904. ....	3,000
Larose, Miss R. ....	Stenographer and librarian. ....	May 29, 1905. ....	900
Fligg, Miss C. L. ....	Stenographer. ....	May 29, 1912. ....	700

## CHIEF COMMISSIONER.

Richardson, R. ....	Secretary to Chief Commissioner and acting secretary outside Ottawa. ....	April 12, 1905. ....	2,300
Lewis, Miss L. J. ....	Clerk and stenographer. ....	May 7, 1904. ....	900

## STENOGRAPHERS.

Cameron, Miss E. M. ....	Clerk and stenographer to Com- missioner McLean. ....	Aug. 20, 1904. ....	900
Casey, Miss N. ....	Clerk and stenographer to Asst. Chief Commissioner. ....	Dec. 31, 1908. ....	900
Ross, Miss M. G. ....	Clerk and stenographer to Com- missioner Mills. ....	Sept. 11, 1909. ....	900
Vaughan, Miss M. ....	Clerk and stenographer to Com- missioner Goodeve. ....	May 11, 1911. ....	750

## MESSENGERS.

Graham, F. D. ....	Chief messenger. ....	Oct. 19, 1912. ....	750
Barbeau, E. S. ....	Messenger. ....	Sept. 11, 1911. ....	700
Wallace, A. J. ....	" ....	Oct. 19, 1912. ....	700
Downes, W. ....	" ....	Oct. 19, 1912. ....	700

## CAR "ACADIA".

Pile, Wm. ....	Cook. ....	.....	1,020
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## REPORTING STAFF.

Butcher, Nelson R. ....	Official reporter to board. ....	April 14, 1908. ....	4,800
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SESSIONAL PAPER No. 20c

## APPENDIX H.

## REPORT OF FIRE INSPECTION DEPARTMENT.

OTTAWA, April 29, 1914.

A. D. CARTWRIGHT, Esq.,  
 Secretary, Board of Railway Commissioners,  
 Ottawa, Ont.

SIR,—Herewith I beg to submit the report of the Fire Inspection Department, for year ending March 31, 1914, for the Ninth Annual Report of the Board.

## ISSUANCE OF GENERAL ORDER NO. 107.

Under date of July 4, 1913, general order No. 107 (see page 480) was issued by the board. This order comprises a revision of order 16570, and embodies the requirements of the board relative to the various features of railway fire protection, under the provisions of the Railway Act. The new order strengthens several features of the old, and at the same time, without impairing the effectiveness of the provisions in any degree, has apparently done away with the movement for an appeal to the Supreme Court by the Canadian Pacific, Canadian Northern and Grand Trunk Pacific railways.

## ORGANIZATION.

The co-operation begun last year with the fire protective organizations of the Dominion and Provincial Governments has been continued and extended. In this way has been handled practically all of the detailed field inspection in connection with right of way clearing, establishment and maintenance of patrols, reporting and extinguishing of fire by railway employees, and the construction of fireguards. In each case, the plan of co-operation includes the payment of salary and expenses of the inspecting officer, by the co-operating agency, so that aside from the head office at Ottawa, the work of the Fire Inspection Department has been handled without cost to the board.

## CO-OPERATION WITH BRITISH COLUMBIA FOREST BRANCH.

The inspection work handled by the British Columbia Forest Branch embraces lines in British Columbia except the Railway Belt. The following is a list of the officials of the Forest Branch who have been designed for appointment by the board in handling this work:—

H. R. MacMillan, Chief Forester, appointed Provincial Fire Inspector, to exercise general supervision over the board's fire inspection work in the province, outside the Railway Belt; headquarters, Victoria.

R. E. Benedict, Assistant Forester, appointed Assistant Provincial Fire Inspector, headquarters, Victoria. W. C. Cladwin, appointed Divisional Fire Inspector, headquarters, Vancouver.

Cranbrook district. J. D. Gilmour, Divisional Fire Inspector. G. B. Watson, R. J. Long and L. J. McKinnon, Assistant Divisional Fire Inspectors.

Nelson District. J. R. Martin, Divisional Fire Inspector. J. T. Price, A. M. Black, H. S. Nelson, and C. A. Mix, Assistant Divisional Fire Inspectors.

Vernon District. L. R. Andrews, Divisional Fire Inspector. M. W. Allen, Assistant Divisional Fire Inspector.

Vancouver district. G. D. McKay, Divisional Fire Inspector. A. T. Kennedy, W. H. Smith and J. B. Mitchell, Assistant Divisional Fire Inspectors.

Island District. H. K. Robinson, Divisional Fire Inspector. W. F. Loveland, Assistant Divisional Fire Inspector.

Prince Rupert District. H. S. Irwin, Divisional Fire Inspector.



5 GEORGE V., A. 1915

Hazleton District. R. E. Allen, Divisional Fire Inspector. Geo. Dover, Assistant Divisional Fire Inspector.

Tête Jaune Cache District. C. MacFayden, Divisional Fire Inspector. A. W. Holmes, Assistant Divisional Fire Inspector.

### DOMINION PARKS BRANCH.

The inspection work handled by the Dominion Parks Branch, Department of the Interior, embraces lines within Dominion Parks. The officials designated, and territory covered are as follows:—

P. C. Barnard Hervey, Chief Superintendent Dominion Parks, Edmonton, Alta., appointed Fire Inspector for Dominion Parks.

F. E. Maunders, Superintendent of Yoho Park, Field, B.C., appointed Divisional Fire Inspector for Yoho Park.

S. J. Clarke Superintendent Rocky Mountains Park, Banff, Alta., appointed Fire Inspector for Rocky Mountains Park. J. T. Child and H. E. Sibbald, Assistant Fire Inspectors.

Col. S. Maynard Rogers, Superintendent Jasper Park, Jasper, Alta., appointed Fire Inspector for Jasper Park.

Railways covered by the above organization are those portions of the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific, which are included within the various Park boundaries.

### DOMINION FORESTRY BRANCH.

The inspection work handled by the Dominion Forestry Branch, Department of the Interior, is as follows:—

D. Roy Cameron, District Inspector of Forest Reserves, Kamloops, B.C., appointed Fire Inspector for the Railway Belt, exclusive of Dominion Parks. This includes the main line of the Canadian Pacific railway through British Columbia, west of Leanochoil and tributary branches within the Railway Belt. Mr. Cameron was assisted by two Divisional Fire Inspectors, W. R. Peacock and R. D. McDonald.

W. N. Millar, District Inspector of Forest Reserves, Calgary, Alta., appointed Fire Inspector for Dominion Forest Reserves in Alberta. This includes those portions of the Canadian Pacific and Canadian Northern lines within forest reserves on the east slope of the Rockies. Mr. Millar was assisted by Messrs. L. C. Tilt and R. M. Brown, appointed as Divisional Fire Inspectors.

E. H. Finlayson, Inspector of Fire Ranging, Winnipeg, Man., appointed Fire Inspector; to handle inspection work in the forested portions of Manitoba and Saskatchewan, and in Alberta outside Dominion Forest Reserves and Parks. This includes portions of the Canadian Pacific Railway, Canadian Northern Railway, and Grand Trunk Pacific Railway. Mr. Finlayson was assisted by Mr. T. McNaughton, appointed Divisional Fire Inspector. Mr. McNaughton also handled a portion of the fire guard inspection in Manitoba. Satisfactory co-operation with the provincial government for the handling of this work could not be secured.

Percy Reid, Mining Recorder, Carcross, Y. T., was appointed District Fire Inspector. Through co-operative arrangement, Mr. Reid covered the White Pass and Yukon Route lines in the Yukon and British Columbia as well as the Klondike Mines Railway, in the Yukon.

### FIREGUARD INSPECTION, ALBERTA.

Benjamin Lawton, Chief Game and Fire Guardian, Department of Agriculture, Edmonton, appointed Provincial Fire Guard Inspector. Mr. Lawton was assisted by Messrs. Donald McEachern and James I. Brewster who were appointed Fire Guard Inspectors.

Railways covered are the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific within the prairie sections of Alberta.

SESSIONAL PAPER No. 20c

## FIREGUARD INSPECTION, SASKATCHEWAN.

R. J. McLean, Fire Commissioner, Regina, appointed Provincial Fireguard Inspector. Railways covered are the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific within the prairie portions of the province.

## ONTARIO.

The inspection work handled by the Department of Lands and Forests of the province of Ontario is as follows:—

E. J. Zavitz, Provincial Forester, Toronto, appointed Provincial Fire Inspector, to exercise general supervision over the Board's fire inspection work in the province.

Max Rabbitts, Port Arthur, appointed District Fire Inspector. Territory covered, Canadian Northern Railway between Fort William and Rainy River, and Grand Trunk Pacific Railway between Fort William and the Manitoba boundary.

Jas. Windle, Sudbury, appointed District Fire Inspector. Covers the Canadian Pacific Railway between Sudbury and White River and Sudbury and Bala and the Canadian Northern Ontario Railway between Sudbury and Washago.

H. Morel, Jr., North Bay, appointed District Fire Inspector. Covers the Grand Trunk Railway between North Bay and Scotia Junction, and Parry Sound and Pembroke, and the Canadian Pacific Railway between Pembroke and North Bay.

## QUEBEC.

The inspection work handled by the Forest Protection Branch, Department of Lands and Forests of the Province of Quebec is as follows:—

W. C. J. Hall, Chief of the Forest Protection Branch, Quebec, appointed Provincial Fire Inspector, to exercise general supervision over the Board's fire inspection work in the province.

N. McCuaig, Bryson, appointed District Fire Inspector; territory, Canadian Pacific Railway between Ottawa and Maniwaki and Ottawa and Waltham.

Art. Bédard, Quebec, appointed District Fire Inspector; territory, Canadian Pacific lines in Quebec north of the St. Lawrence River between Quebec and Ottawa, and branches; Canadian Northern Quebec Railway between Quebec and Grenville, and branches.

H. Sorgius, Three Rivers, appointed District Fire Inspector; territory, Canadian Pacific Piles and Shawinigan branches and Canadian Northern Quebec Railway from Rivière à Pierre to Kiskisink and La Tuque Branch.

Nath. Lebel, Quebec, appointed District Fire Inspector; territory, Temiscouata line in Province of Quebec.

Jos. Legace, St. Charles de Caplin, appointed District Fire Inspector; territory, Atlantic, Quebec & Western and Quebec Oriental Railways in Gaspé Peninsula.

F. N. Roche, Quebec, appointed District Fire Inspector; territory, Canadian Pacific lines in the Province south of the St. Lawrence River; Grand Trunk, Boston & Maine, Central Vermont, St. Lawrence & Adirondack, Quebec, Montreal & Southern, Rutland, Maine Central.

Isaie Dubuc, Lake Megantic, appointed District Fire Inspector. Mr. Dubuc covers same territory as Mr. Roche given above.

## NEW BRUNSWICK.

The inspection work handled by the Crown Lands Department of the province of New Brunswick is as follows:—

John McGibbon, Chief Fire Ranger, St. Stephen, appointed Provincial Fire Inspector. The territory covered includes the Canadian Pacific, Elgin and Havelock, New Brunswick and P. E. I., N. B. Coal and Railway, Salisbury and Albert, St. Martins Railway, and Temiscouata.

5 GEORGE V., A. 1915

A. E. O'Leary, Chief Game Guardian, Richibucto, N.B., appointed Assistant Provincial Fire Inspector. Mr. O'Leary assisted Mr. McGibbon in handling the fire inspection work on the above-named railways.

## NOVA SCOTIA.

Co-operation for the handling of inspection work in Nova Scotia was promised by the Provincial Government, but the putting of the plan into effect has been delayed, pending the appointment of a Provincial Forester, for which appointment provision has been made by act of the Provincial Parliament.

## RAILWAY FIRE PATROLS.

The plan adopted in 1912 was continued, of requiring the establishment and maintenance of special fire patrols in forest sections where the fire hazard is considered high. The special patrols consisted for the most part of men with railway velocipedes, although in some cases where the traffic was light the patrols consisted of men with power speeders. In the case of grades too heavy for the use of velocipedes or power speeders, foot patrols were prescribed.

In sections where the fire danger was considered medium, special patrols were required by members of the section crews, as a part of their regular work. The matter of reporting and extinguishing fire on lines or portions of lines where the fire hazard is considered light, was satisfactorily taken care of by the issuance of instructions by the railway companies, to their regular employees, under regulation 14 of general order No. 107. Such instructions were issued by nearly all the railway lines subject to the board's jurisdiction.

Letters prescribing patrols or other special measures to be taken in connection with railway fire protection were issued the following railway companies: Canadian Pacific Western Lines, Canadian Pacific Eastern Lines, Canadian Northern, Canadian Northern Ontario, Grand Trunk Pacific, Grand Trunk, Great Northern, Victoria and Sydney, Esquimalt and Nanaimo, Kettle Valley, Temiscouata and Edmonton, Dunvegan and British Columbia. As to other lines, the insurance of special instructions to regular employees, under regulation 14 of general order No. 107, was considered sufficient.

On that portion of the Grand Trunk Pacific lines under construction in British Columbia, special patrols were prescribed, with the understanding that it would be considered satisfactory compliance with the requirements of the board in this respect, should the company enter into an agreement with the Government of British Columbia, under which the patrols should be maintained by the British Columbia Forest branch. This plan worked out satisfactorily, the cost being divided between the railway company and the Provincial Government, in consideration of the fact that the patrolmen were able to cover land on both sides of the right of way. A somewhat similar arrangement was made for the maintenance of special patrols on the Kootenay Central Railway, a subsidiary of the Canadian Pacific Railway, under construction in Southern British Columbia. The patrols required along those portions of the Canadian Northern and Edmonton, Dunvegan and British Columbia railways under construction in forest sections were maintained by the companies direct, under the general supervision of officers of the Dominion Forestry Branch, acting on behalf of the board.

The policy was consistently followed throughout the year, of relieving the railway companies from the necessity of maintaining special patrols, so far as weather conditions rendered such action practicable. The extent to which this policy could be carried out naturally depended also, to some degree, upon the extent to which the railway companies had specially organized their fire-protection work, so as to ensure the prompt resumption of patrols when the weather became dry. The handling of this patrol work constitutes an important feature of the activities of the local officers of the board. As a rule, these officers maintained a close degree of co-operation with the local railway officials, thus securing a maximum of efficiency in fire protection at a minimum of cost to the companies.



## SESSIONAL PAPER No. 20c

## RIGHT OF WAY CLEARING.

Material improvement was shown in connection with the removal of inflammable material from railway rights of way, as required by section 297 of the Railway ct. This improvement is especially noticeable in the West, where credit is particularly due the Canadian Northern, Great Northern, Canadian Pacific, and Grand Trunk Pacific Railways, for the very material improvement which has taken place in this connection.

Circular No. 107 (appendix L) was issued under date of February 22, 1913, for the purpose of urging upon railway companies the importance of burning or otherwise removing from the right of way all dead and dry grass, weeds and other unnecessary inflammable matter, at the earliest practicable date in the spring, in order to minimize the fire hazard. The circular resulted in increased attention by the railway companies to this important matter. Under date of March 5, 1914, a similar circular, No. 128, was issued, urging close attention to this matter, in connection with the opening of the fire season of 1914.

## FIREGUARD CONSTRUCTION.

The entire fireguard situation has received very careful attention throughout the year. There has been a large correspondence relative to this matter with railway companies, representatives of the farming interests, experimental farms, and agricultural colleges. As a result of all this investigation, a number of changes have been made in the requirements as to fireguard construction in the Prairie Provinces. Letter of May 24, 1913, issued by the chief fire inspector, under regulation 9 of order 16570, was sent to the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific railways.

The requirements for fireguarding in open prairie land included the ploughing of a strip not less than 16 feet in width, not less than 300 feet from the centre of the track, and the burning or other removal of all dead or dry grass and other unnecessary combustible matter between the fireguard and the track.

In the case of fenced grazing lands a 16-foot ploughed strip was prescribed, not less than 200 feet from the track, with the burning or other removal of dead or dry grass and other unnecessary combustible matter from the right of way. It will be noted that in this case the burning off of dry grass was not required between the right of way and the fireguard.

In cultivated lands, the letter of May 24 prescribed the ploughing of an 8-foot strip not less than 100 feet from the centre of the track, with the burning or other removal of dead and dry grass from the right of way. This requirement involved the construction of fire-guards in cultivated lands direct by the railway companies, the same as in the case of open prairie and fenced grazing lands. Following a conference at Winnipeg on August 6, with representatives of the railway companies and of the farming interests, a modification was made under date of August 8, as to the requirements for fireguarding in cultivated lands. The letter of August 8 required the burning or other removal of all grass, brush, weeds, and other unnecessary combustible matter between the track and the edge of the cultivated land, provided that this requirement should not extend more than 10 feet outside the right of way on private land. The requirement also covered the ploughing of either 4-foot or 8-foot fireguards through cultivated lands adjacent to railway lines in the three prairie provinces, wherever such action is necessary in the judgment of the owner or occupant of such land, and where such owner or occupant would undertake to plough, immediately following the harvest, either a 4-foot or an 8-foot fireguard, as he might consider necessary, at a distance of approximately 100 feet from the track, for a remuneration of \$1.75 per lineal mile of 4-foot fireguard, or \$3 per lineal mile of 8-foot fireguard, such amount to be promptly paid by the company, it being understood that the minimum amount to be paid in any case should be \$1. The above modifications were based upon the assumption that if the right of way and adjacent narrow uncultivated

strip are freed from combustible matter, in accordance with the above requirements, the greatest source of fire danger in cultivated sections will have been removed, and, while in some sections and under some conditions the ploughing of fireguards through cultivated land will still be necessary, in other sections and under other conditions such action is not essential to a reasonable degree of safety. It was also agreed that in general the best judge of the necessity for ploughing fireguards through cultivated lands is the owner or occupant of the land himself, and that where such action is necessary, some degree of co-operation on the part of the landowner or occupant may reasonably be expected. In a general way the plan has worked out satisfactorily, and no complaints have been received as to the principle adopted in this connection.

The construction of fireguards as above described was required along railway lines in the provinces of Alberta, Saskatchewan, and Manitoba, except where a satisfactory showing should be made by the company concerned that such construction was either unnecessary or impracticable. This plan involved the submission by each company, of a so-called fireguard exemption plan, action upon which in each case involved a considerable amount of field inspection by the provincial fireguard inspector. Further inspection was necessary in the fall, to determine the extent to which the requirements relative to fireguard construction had or had not been fulfilled. It is considered very important that, as a preventive measure, there should be strict enforcement of the requirement for the burning off of dry grass between the track and the fireguard in the case of open prairie, between the track and the edge of cultivation in the case of cultivated land, and on the right of way in the case of fenced grazing land.

The following statements show for each railway company the work done in connection with fireguard construction.

SUMMARY OF FIREGUARD CONSTRUCTION by Railways in the provinces of Alberta, Saskatchewan, and Manitoba, 1913.

	NAME OF RAILWAY.			
	Great Northern.	Grand Trunk Pacific.	Canadian Northern.	Canadian Pacific.
	Miles.	Miles.	Miles.	Miles.
Length in track, miles . . . . .	162.38	1,795.1	4,011.8	5,960.9
Length in fire guard, miles <sup>1</sup> . . . . .	324.76	3,590.2	8,023.6	11,921.8
Fireguards constructed—				
Open Prairie . . . . .	81.75			7,878.7
Fenced grazing lands . . . . .	37.75	1,903.7	3,708.05	
Cultivated lands . . . . .	153.00			144.1
Total . . . . .	272.50	1,903.7	3,708.05	8,022.8
Fireguards not constructed—				
Exemptions <sup>2</sup> . . . . .	52.26	743.00	2,633.10	1,684.6
Owner refuses entrance <sup>3</sup> . . . . .		46.30	45.45	80.8
Land already ploughed <sup>4</sup> . . . . .			28.8	3.4
Cultivated land, not fireguarded by owner . . . . .			212.0	
Other reasons . . . . .		897.00	1,396.2	2,130.2
Total . . . . .	52.26	1,686.50	4,315.55	3,899.0

<sup>1</sup> Fireguard mileage is double the track mileage, since the construction of fireguards is required on both sides of track.

<sup>2</sup> Company exempted from fireguard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

<sup>3</sup> Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fireguards.

<sup>4</sup> Fireguarding unnecessary, because fields already ploughed.

<sup>5</sup> Fireguarding in cultivated land required only where the land owner or occupant would undertake to ploughguard at the reasonable price specified by the board.

## SESSIONAL PAPER No. 20c

## INSPECTION OF FIRE PROTECTIVE APPLIANCES.

The inspection of fire-protective appliances on locomotives is under the jurisdiction of the Operating Department of the board. However, during the year, seventeen local officials of the Fire Inspection Department were instructed for this work, in co-operation with the Operating Department. This make a total of twenty-two of the local fire inspectors in this department who have been so instructed. The services of these men in connection with this line of work are especially valuable as to railway lines under construction, and the more remote branches of railways in forest sections, since they supplement materially the regular inspections by Operating Department officials.

*Summary of Fire Reports, Season of 1913.*

The accompanying statements show all the information available with regard to fires occurring within 300 feet of railway tracks during the season of 1913. The information available as to the situation in Eastern Canada is very much less satisfactory than that relating to the West, partly on account of delay in organizing the work, and partly on account of insufficient inspection having been provided by the provincial Governments which have co-operated with the board. In the East, only partial information is available as to the amount of damage done by fires occurring along railway lines. On account of incomplete organization in Ontario, it was not practicable to secure information relative to some of the fires which occurred, particularly in the Muskoka section. It is hoped that these omissions will be largely corrected in 1914.

In general, it may safely be stated that the results which have been secured from the co-operative handling of the railway fire protection work have been admirable. That occurrence and spread of railway fires has beyond the possibility of a doubt been greatly reduced. There is every reason to believe that the efficiency of the work will still further be increased during the coming year, through the extension and increased efficiency of the inspection staffs to be made available by the various co-operating agencies, especially in Eastern Canada. For the most part, full credit must be given the railways for the fine attitude they have shown toward the work of the Fire Inspection Department, and for their very general endeavour to comply honestly with the various requirements.



5 GEORGE V., A. 1915

SUMMARY OF REPORTS occurring adjacent to Railway Lines subject to the  
(Exclusive of

	Canadian Pacific (Western Lines).	Grand Trunk Pacific.	Kettle Valley.	Victoria and Sydney.	Canadian Northern.	Great Northern.	Morrissey, Fernie and Michel.	Edmonton, Dun- vegan and British Columbia.
Number of fires reported as start- ing within 300 feet of track....	202	43	15	1	190	27	2	5
Causes of fires :								
(a) Trains.....	163	18	.....	1	93	21	1	.....
(b) Tramps, etc., and camp fires	20	3	2	.....	17	2	1	.....
(c) Other known causes.....	4	15	13	.....	42	1	.....	5
(d) Unknown.....	15	7	.....	.....	38	3	.....	.....
(e) Not reported.....	.....	.....	.....	.....	.....	.....	.....	.....
Acres burned over by fires outside right of way :								
(a) Grass or cultivated land....	141	31	.....	.....	129	70	.....	.....
(b) Young forest growth.....	15	1,115	17	.....	126	8	.....	40
(c) Timber land.....	3	500	.....	.....	25	109	.....	305
(d) Slashing or old burn not re- stocking.....	.....	18	.....	30	40	30	.....	.....
(e) Total.....	159	1,664	17	30	320	217	.....	345
Value of property destroyed :	\$ cts.	\$ cts.	\$ cts.		\$ cts.	\$ cts.		\$ cts.
(a) Young growth.....	30 00	5,300 00	105 00	.....	610 00	.....	.....	120 00
(b) Standing timber.....	.....	5,000 00	.....	.....	1,200 00	110 00	.....	600 00
(c) Forest products in process of manufacture.....	.....	.....	.....	.....	.....	.....	.....	.....
(d) Railway property not cover- ed in above.....	.....	.....	.....	.....	.....	.....	.....	.....
(e) Other private property not covered in above.....	.....	.....	.....	.....	.....	.....	.....	.....
(f) Total.....	30 00	10,300 00	105 00	.....	1,810 00	110 00	.....	720 00

## SESSIONAL PAPER No. 20c

jurisdiction of the Board of Railway Commissioners for Canada. Season 1913.  
Prairie Fires.)

Canadian Northern Ontario.	Grand Trunk.	Canadian Northern Quebec.	Canadian Pacific (Eastern Lines.)	Quebec, Montreal, and Southern and Napierville Jct.	St. Lawrence and Adirondack.	Maine Central.	Central Vermont.	Boston and Maine.	Salisbury and Albert.	Totals.
9	93	31	43	42	15	2	6	2	4	732
3	30		34		7	1		1		373
1	1				1					47
5	62		8	1	7			1		91
		31		42			6		4	138
										83
	89	2			8	7	4			481
1,384	3,897	3	13,337		2				40	19,984
									3	945
										118
1,384	3,986	5	13,337		10	7	4		43	21,528
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.					\$ cts.
1,240 00	4,860 00		10,970 00							23,235 00
										6,910 00
		6,428 00		4,013 93	192 00					10,633 93
1,240 00	4,860 00	6,428 00	10,970 00	4,013 93	192 00					40,778 93

5 GEORGE V., A. 1915

Many small fires occurred in agricultural sections, not included in these totals, where the damage done was for the most part the destruction of pasture, fencing, hay, etc. This situation applies particularly to the Canadian Pacific eastern lines, Grand Trunk, and Canadian Northern Ontario Railway.

It is reported that no fires originated within 300 feet of the track in the case of the following railways: White Pass & Yukon route, Esquimalt & Nanaimo, Atlantic, Quebec & Western, Quebec Oriental, Rutland, Temiscouata, Central Railway of Canada, Western Canada Power Company.

On account of incomplete organization, no information is available as to the fire situation along the following lines which operate at least in part through forest sections: Algoma Central & Hudson Bay, Algoma Eastern, Central Ontario, Dominion Atlantic, Elgin & Havelock, Moncton & Buctouche, St. Martins, Cumberland Railway & Coal Company.

Fire statistics are not available and no attempt has been made to secure them as to the following lines which do not operate to any material extent through forest sections: Bay of Quinte, Brockville, Westport & Northwestern, Klondike Mines, Michigan Central, Ottawa & New York, Pere Marquette, Schomberg & Aurora, Thousand Islands, Oshawa, Toronto, Hamilton & Buffalo, Wabash, Essex Terminal.

## PRAIRIE FIRES.

Complete statistics as to prairie fires are not available, since there is no adequate provision for the submission of such reports by railway companies. However, a certain amount of information is available, through the courtesy of the Royal Northwest Mounted Police, from which organization has been secured the information contained in the following tabulation:

SUMMARY OF PRAIRIE FIRES reported by the R.N.W.M. Police as known to have been set out by the various railways since 1911.

Province and Year.	NUMBER OF FIRES REPORTED.			Totals.
	C. P. R.	C. N. R.	G. T. P.	
Saskatchewan—				
1911.....	2	1	2	5
1912.....	8	2	4	14
1913.....	10	5	2	17
Alberta—				
1911.....				
1912.....	3	1		4
1913.....	5		1	6
Both Provinces—				
1911.....	2	1	2	5
1912.....	11	3	4	18
1913.....	15	5	3	23
Totals.....	28	9	9	46

In thirty-seven of the above cases, the fires are reported as presumed to have been started by engines. In five cases, the fire is reported to have escaped in connection with burning off the right of way, and in three cases as having escaped from the section crews. In one case, specific cause was not reported.



## SESSIONAL PAPER No. 20c

For the most part the loss sustained is in the form of pasture. Loss is also reported as to hay, wheat stooks, implements and buildings. No estimate of total loss is available.

Convictions are reported in five cases, of which three were for allowing fire to escape while burning right of way, and one on account of engine not being equipped with proper spark arresting device. In one case details are not given.

The above figures represent only the cases in which fires have been officially brought to the attention of the R.N.W.M. Police, and, therefore, cover by no means all the prairie fires which have occurred. The operations of the police force do not extend to the settled portions of Manitoba, therefore no information is available from the records of the organization as to prairie fires occurring in that province.

In addition to the above fires, complaints have been made to the Board, during the year, relative to failure of railways to construct fire guards, or regarding fires which have occurred in the prairie sections, as follows:

Canadian Northern Railway, one complaint from Manitoba, two from Saskatchewan and ten from Alberta; total 13.

Canadian Pacific Railway, one complaint from Manitoba, eight from Saskatchewan, and four from Alberta; total 13.

Grand Trunk Pacific Railway, one complaint from Saskatchewan.

Respectfully submitted,

CLYDE LEAVITT,

*Chief Fire Inspector.*

## APPENDIX I.

## LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.

- Abbott—Electrical Transmission of Energy.  
 Abbott—Railway Law of Canada.  
 Abbott on Telephony.  
 Ackworth—Elements of Railway Economics.  
 Actes du Canada et des Provinces non Abrogées par les Statuts Révisés, 1887.  
 Acts of the Provinces and of Canada not Repealed by the Revised Statutes, 1887.  
 Act to Regulate Commerce.  
 Adams—Railroad Accidents.  
 Adams—The Block System.  
 Alabama—Reports of the Railroad Commission, 1908, 1910.  
 Alberta Law Reports, 1908-1911.  
 Alberta Statutes—1906-1913.  
 Allen—Telegraph Cases.  
 American Electrical Cases.  
 American and English Annotated Cases, 30 Vols. Digest, Vols. 1-10; 1-20; and 21-1913B.  
 American and English Encyclopedia of Law, 32 Vols. Supplement.  
 American and English Railroad Cases, N.S., 68 Vols.; Digest, Vols. 1-23; 24-43; and 44-53.  
 American and English Railroad Cases, Old Series, 61 Vols.; Digest, Vols. 1-35; and 36-43.  
 American Railway Reports.  
 American Reports, Digest.  
 Anderson—Dictionary of Law.  
 Anderson—Index-Digest of Interstate Commerce Laws.  
 Armstrong—Digest of Nova Scotia Reports.  
 Ashe—Electric Railways.  
 Audette—Practice of the Exchequer Court.  
 Auditor General's Reports.  
 Baldwin—American Railroad Law.  
 Barnes—Interstate Transportation.  
 Bartholomew—Air Brakes for Electric Cars.  
 Beach—Law of Railways.  
 Beach—Monopolies and Industrial Trusts.  
 Beach—Railway Digest (Annual).  
 Beal—Bailments.  
 Beal—Cardinal Rules of Legal Interpretation.  
 Beal and Wyman—Railroad Rate Regulation.  
 Beauchamp—Jurisprudence of the Privy Council.  
 Beaudry-Lacantinerie—Droit Civil.  
 Beavan and Walford—Railway Cases.  
 Bell and Dunn—Practice Forms.  
 Belsterling—Digest of Decisions—Transit Privileges.  
 Beullac—Code de Procedure Civile.  
 Bigg—General Railway Acts.  
 Biggar—Municipal Manual.  
 Bird—Digest British Columbia Case Law.  
 Blakemore—Abolition of Grade Crossings in Massachusetts.  
 Bligh—Ontario Law Index to 1900.  
 Bligh and Todd—Dominion Law Index, 1898.  
 Booth—Street Railways.  
 Boulton—The Law and Practice of a Case stated.  
 Bouvier's Law Dictionary.  
 Boyle and Waghorn—The Law and Practice of Compensation.  
 Boyle and Waghorn—The Law Relating to Railway and Canal Traffic.  
 Brandeis—Scientific Management.  
 Brassey, Lord—Fifty Years of Progress and the New Fiscal Policy.  
 Brice—Tramways and Light Railways.  
 Brice—Ultra Vires.  
 British Columbia Reports.  
 British Columbia Statutes, 1872-1913. Revised Statutes, 1897 and 1911. Consolidated Statutes, 1877.  
 British Columbia Year Book.  
 British Ruling Cases.  
 Brockway—Electric Railway Accounting.  
 Broom's Legal Maxims.  
 Browne—Law of Carriers.

## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MACRH 31, 1914.—*Continued.*

- Browne—The Law of Compensation.  
 Brown—Practice before the Railway Commissioners.  
 Brown, Macnamara and Neville—English Railway and Canal Traffic Cases.  
 Browne and Theobald—Law of Railways.  
 Bullinger—Postal and Shipper's Guide for the United States and Canada, 1912-1914.  
 Butterworth—Practice of the Railway and Canal Commission.  
 Butterworth—Railways and Canals.  
 Byer—Economics of Railway Operation.  
 California Board of Public Utilities Annual Reports.  
 California—Report of the Railroad Commission.  
 Calvert—Regulation of Commerce.  
 Campbell—Forest Fires and Railways.  
 Cameron—Supreme Court Practice and Rules, 1913.  
 Canada Law Journal.  
 Canada Legal Directory, 1914.  
 Canada and Newfoundland Gazetteer.  
 Canada Year Book.  
 Canadian Annual Digest, 1896-1911.  
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 Canadian Law Times, Vols. 28-33.  
 Canadian Reports, Appeal Cases, Vols. 1-5 ; 1906-1912.  
 Canadian Ten-Year Digest, 1901-1911.  
 Car Builders' Dictionary, 1906-1912.  
 Carmichael—Law of the Telegraph, Telephone and Submarine Cable.  
 Carter—When Railroads Were New.  
 Cartwright—British North America Cases.  
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 Casson, Ellis and Hutchinson, Jr.—Horse, Truck and Tractor.  
 Century Dictionary and Cyclopaedia.  
 Chandler—The Express Service and Rates.  
 Chambers—Parliamentary Guide.  
 Charter of the City of Montreal, with Amendments.  
 Chitty's Archbold's Q. B. Practice.  
 Chitty's K. B. Forms.  
 Clapp—The Navigable Rhine.  
 Clarke and Others—The American Railway.  
 Clarke—Street Accident Law.  
 Clarke—State Railroad Commissions.  
 Clark—Studies in History, Economics and Public Law. Standards of Reasonableness in Local Freight Discriminations.  
 Clements—Canadian Constitution.  
 Clements—Federal Supervision of Railroads.  
 Cleveland and Powell—Railroad Finance.  
 Cleveland and Powell—Railroad Promotion and Capitalization.  
 Clifton and Grunau—A new Dictionary of the French and English Languages.  
 Clifton and Grunau—Technological Dictionary, English, German, French.  
 Clode—Rating of Railways.  
 Colson—Abrege de la Legislation des Chemins de Fer et Tramways.  
 Commission Telephone Cases.  
 Connecticut—Report of the Public Utilities Commission.  
 Connecticut—Reports of Railroads, 1910.  
 Connors—Report of the Working of American Railways.  
 Constantineau—On the De Facto Doctrine.  
 Cooley—The American Railway—Its Construction, Development, Management, and Appliances.  
 Cooley on Taxation.  
 Copnall—A Practical Guide to the Administration of Highway Law.  
 Cowles—A General Freight and Passenger Post.  
 Coutlee—Digest Supreme Court Reports.  
 Criminal Code, 1892 and 1900.  
 Croswell—The Law Relating to Electricity.  
 Curran—Freight Rates. Studies in Rate Construction.  
 Currier—Railway Legislation in the Dominion of Canada, 1867-1905.  
 Cyclopaedia of Law and Procedure, 40 Vols. Annotations, 1907-1914.  
 Dagger—Telephone Systems. The Ontario Telephone Act.  
 Daggett—Railroad Re-organization.  
 Dale and Lehmann—English Over-ruled Cases.  
 Daniell—Chancery Forms.  
 Darlington—Railway and Canal Traffic Acts.  
 Darlington—Railway Rates.



5 GEORGE V., A. 1915

LIST OF BOOKS IN LIBRARY UP TO MACRH 31, 1914.—*Continued.*

- Daviel—Des Cours d'Eau.  
 Denton—Municipal Negligence (Highways).  
 Dewsnup—Railway Organization and Working.  
 Dictionary of Altitudes in Canada.  
 Directory of Railway Officials.  
 Disney—Carriage by Railway.  
 Dodd—Law of Light Railways.  
 Doherty—Liability of Railroads to State Employees.  
 Dorsey—English and American Railroads Compared.  
 Douglas—The Influence of the Railroads of the United States and Canada on the Mineral Industry.  
 Drinker—Interstate Commerce Act. Supplement.  
 Droege—Freight Terminals and Trains.  
 Duff—Merchants Bank and Railroad Bookkeeping.  
 Dunn—American Transportation Question.  
  
 Eaton—Railroad Operations—How to Know Them.  
 Eddy on Combinations.  
 Edwards—Railway Nationalization.  
 Electric Train Staff Catalogue—Union Switch and Signal Co., Swissvale, Pa.  
 Elliott—The A B C of Railroad Signalling.  
 Elliott—The Individual, the Corporation and the Government.  
 Elliott—Minnesota. The Railways and Advertising.  
 Elliott on Railroads.  
 Elliott on Roads and Streets.  
 Encyclopedia Britannica.  
 Encyclopedia of the Laws of England, and Annual Supplements.  
 Endlich on Statutes.  
 English Law Reports to 1913. Digest, 1901-1910.  
 English Reports (reprints), 142 Vols.  
 English Ruling Cases, 26 Vols. Supplement, Vol. 27.  
 Exchequer Court Reports.  
 Ewart—Digest Manitoba Law Reports.  
 Express Companies—Judgment of the Board.  
 Express Statistics of the Dominion of Canada, 1912.  
  
 Farnham—Waters and Water Rights.  
 Frye—Civil Engineers' Pocket Book.  
 Fry—Specific Performance.  
 Fuzier—Herman. Code Civil. Supplement.  
 Fuzier—Herman—Repertoire du Droit Francais.  
 Fetter—Carriers of Passengers.  
 Finch—Federal Anti-Trust Divisions.  
 Florida Railroad Commission Annual Reports.  
 Floy—Valuation of Public Utility Properties.  
 Forney—Catechism of the Locomotive.  
 Foster—Engineering Valuation of Public Utilities and Factories.  
  
 Gear and Williams—Electric Central Station Distributing Systems.  
 Georgia—Railroad Commission Annual Reports.  
 Gephart—Transportation and Industrial Development in the Middle West.  
 Gilbert—Street Railway Reports.  
 Gillette—Hand Book of Cost Data.  
 Glen on Highways.  
 Goodeve—Railway Passengers.  
 Gould on Waters.  
 Gray—Communication by Telegraph.  
 Greene on Highways.  
 Grierson—Railway Rates English and Foreign.  
  
 Hadley—Railway Transportation.  
 Hadley—Railway Working and Appliances.  
 Haines—American Railway Management.  
 Haines—Railway Corporations as Public Servants.  
 Haines—Restrictive Railway Legislation.  
 Hamilton—Railroad Laws of New York, 1906-7.  
 Hamilton—Railway and other Accidents.  
 Hamlin—Interstate Commerce Acts Indexed and Digested.  
 Hammond—Railway Rate Theories of the Interstate Commerce Commission.  
 Hardcastle—Statute Law.  
 Hatfield—Lectures on Commerce.  
 Hay, Jr.—The Law of Railway Accidents in Massachusetts.

## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MACRH 31, 1914.—*Continued.*

- Hemmeon—History of the British Post Office.  
 Henderson—Locomotive Operation.  
 Hendrick—Railway Control by Commissions.  
 High on Injunctions.  
 Hitt—Electric Railway Dictionary, 1911.  
 Hodges on Railways.  
 Hodgins—Dominion and Provincial Legislation.  
 Holmested and Langton—Ontario Judicature Act.  
 Holmested and Langton—Forms and Precedents.  
 Holt—Canadian Railway Law.  
 Hopkins—The Law of Personal Injuries.  
 Hudson—Compensation.  
 Hutchinson's Carriers.  
 Hutchinson on Carriers.  
  
 Illinois—Railroad and Warehouse Commission Special Reports, 1902-1906.  
 Illinois Railroad and Warehouse Commission Annual Reports.  
 Index of Cases Reported in the English Law Reports, 1905-1913.  
 Index to Law Times Reports, Vols. 91 to 100.  
 Index to Quebec Official Reports.  
 Indiana—Annual Report of the Railroad Commission, 1910.  
 Interstate Commerce Act as amended, 1912. State Public Utility Laws, Federal and State Court Decisions, Interstate Commerce Laws.  
 Interstate Commerce Commission, Petition of the Merchants' Association of New York, et al, in relation to Express Service, Rates, Regulations and Practice.  
 Interstate Commerce Commission Reports, 5 Vols.  
 Interstate Commerce Reports, 27 Vols.  
 Ivatts—Railway Management.  
  
 Jackman—Freight Rates and Classifications. Express Service. Carriage by Water.  
 Jacob's Railway Law of Canada.  
 Jevons—The State in Relation to Labour.  
 Johnson—American Railway Transportation.  
 Johnson and Huebner—Railroad Traffic and Rates.  
 Johnson—Ocean and Inland Water Transportation.  
 Jones—Telegraph and Telephone Companies.  
 Joy—Toll Telephone Practice.  
 Joyce—Electric Law.  
 Judgment of the Board Relating to Express Companies in Canada.  
 Judson—Interstate Commerce.  
  
 Kansas Public Utilities Commission Reports.  
 Kant—Index to Cases Judicially Noticed in the Law Reports.  
 Keasbey—Electric Wires.  
 Kerr—Injunctions.  
 Kirkman—The Science of Railways.  
  
 Lafleur—Conflict of Laws.  
 Lake—Report Major-General Sir P. H. N.  
 Langelier—Cours de Droit Civil.  
 Langelier—De la Preuve.  
 Langstroth and Stilz—Railway Co-operation.  
 Larombiere.  
 Latimer—Railway Signalling in Theory and Practice.  
 Laurent—Droit Civil.  
 Law Times Reports. General Index.  
 Lefroy's Legislative Power in Canada.  
 Legal Mews.  
 Leggett—Bills of Lading.  
 Lewis—American Railroad and Corporation Reports.  
 Lewis—Eminent Demain.  
 Lewis—Railway Signal Engineering.  
 Lewis Sutherland—Statutory Construction.  
 Littré et Beaujeu—Dictionnaire de la Langue Française, avec un Supplément d'Histoire et de Géographie.  
 Louisiana—Railroad Commission Annual Reports.  
 Lovell's Compendium.  
 Lovell's Gazetteer of the Dominion of Canada.  
 Lower Canada Jurists.  
 Lower Canada Reports.  
 Lust and Merriam—Digest of Decisions under The Interstate Commerce Act.  
 Lyon—Capitalization. A Book on Corporation Finance.

5 GEORGE V., A. 1915

LIST OF BOOKS IN LIBRARY UP TO MACRH 31, 1914.—*Continued.*

- MacBeth—The Rationale of Rates.  
 MacMillan and Gutches—Forest Products of Canada, 1908.  
 MacMurchy and Dennison—Canadian Railway Act, Annotated.  
 MacMurchy and Dennison—Canadian Railway Cases.  
 MacMurchy and Dennison—Railway Law of Canada.  
 Macnamara—Law of Carriers.  
 Maine—Commissioner of Highways Annual Reports.  
 Manitoba Law Reports.  
 Manitoba Public Utilities Commission Report, 1912.  
 Manitoba Statutes, 1871-1913. Revised Statutes, 1891-1902.  
 Mann—Massachusetts Railroad and Railway Laws, 1908.  
 Manual Railway and Signal Association.  
 Marriott—The Fixing of Rates and Fares.  
 Maryland—Annual Report Bureau of Statistics and Information, 1910.  
 Massachusetts Public Service Commission Reports, 1914.  
 Massachusetts Railroad Commissioners' Reports.  
 Masters' Supreme Court Practice, 1908.  
 Mathieu—Code Civil de la Province de Quebec.  
 Mayne on Damages.  
 Maxwell on Statutes.  
 McDermot on Railways.  
 McLean—Georgian Bay Canal.  
 McNicol—American Telegraph Practice.  
 McPherson and Clarke—Law of Mines.  
 McPherson—Railroad Freight Rates in Relation to the Industry and Commerce of the United States.  
 McPherson—Transportation in Europe.  
 McPherson—The Working of the Railroads.  
 Merritt—Federal Regulation of Railway Rates.  
 Mews' Digest of English Case Law, 16 Vols. Annual Supplements, 1898-1912.  
 Meyer—British State Telegraphs.  
 Meyer—Government Regulation of Railway Rates.  
 Meyer—Municipal Ownership in Great Britain.  
 Meyer—Public Ownership and the Telephone in Great Britain.  
 Meyer—Railway Legislation in the United States.  
 Michigan Railroad Laws.  
 Michigan Commissioner of Railroads Reports.  
 Mignault.  
 Mills—Our Inland Seas. Their Shipping and Commerce for Three Centuries.  
 Minnesota Railroad and Warehouse Commission Reports.  
 Mississippi Railroad Commissioners' Reports.  
 Missouri Railroad and Warehouse Commissioners' Reports.  
 Moulton—Waterways vs. Railways.  
 Montreal Directory.  
 Montreal Law Reports.  
 Moody—Analyses of Railroad Investments, 1912.  
 Moody—How to analyse Railroad Reports.  
 Moore on Carriers.  
 Morris—Railroad Administration.  
 Mossop—Railway Operating Statistics.  
 Mulvey—Canadian Company Law.  
 Murray's English Dictionary.  
 National Association of Railway Commissioners. Proceedings, 1912. Digest of Federal and State Court Decisions. Interstate Commerce Laws. Interstate Commerce Act as amended, 1912-1913.  
 Nebraska—Laws Relating to Railroads and other Common Carriers.  
 Nebraska State Railway Commission Reports.  
 Nellis—Street Railroad Accident Law.  
 Nellis—Street Service Railroads.  
 Nelson—The Anatomy of Railroad Reports.  
 Nelson—Interstate Commerce Commission.  
 Nevada Railroad Commission Annual Reports, Public Service Commission, 1912.  
 New Brunswick Board of Commissioners of Public Utilities Report.  
 New Brunswick Equity Reports.  
 New Brunswick Reports.  
 New Brunswick Statutes, 1867-1913. Consolidated Statutes, 1877, 1903.  
 Newcombe—Railway Economics.  
 Newcombe—Work of the Interstate Commerce Commission.  
 New Jersey Board of Public Utility Commissioners' Reports.  
 New Jersey Board of Railroad Commissioners' Reports.  
 New York Public Service Commission Reports, First District, Second District.  
 New York Railroad Commissioners' Reports.  
 Nichol—English Railway and Canal Cases.



## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MACRH 31, 1914.—*Continued.*

- North Carolina State Tax Commission Reports.  
 North West Territories Ordinances, 1878-1905. Consolidated Ordinances, 1898. General Ordinances, 1905.  
 Nouveau Dictionnaire, Anglais-Francais et Francais-Anglais.  
 Nova Scotia Judicature Act, 1900.  
 Nova Scotia Reports.  
 Nova Scotia Statutes, 1865-1913. Revised Statutes, 1871, 1884, 1900.  
 Noyes—American Railroad Rates.  
 Nutt—Technological Dictionary, French, German, English.  
  
 O'Brien's Conveyancer.  
 Official Postal Guide of Canada.  
 Oklahoma Corporation Commission Report.  
 Ontario Digest Case Law and Supplement.  
 Ontario Gazetteer and Business Directory.  
 Ontario and Upper Canada Reports.  
 Ontario Law Reports, Index of Cases, 1905-1911.  
 Ontario Law Reports, Digest of Cases, 1882-1887.  
 Ontario Railway Digest.  
 Ontario Railway and Municipal Board Reports.  
 Ontario Statutes, 1867-1913. Revised Statutes, 1877, 1887 and 1897.  
 Oregon Railroad Commission Reports.  
 Oregon Railroad Commission. Uniform Classification of accounts for Electric Utilities, Gas Utilities, and Water Utilities, adopted June 16, 1913.  
 Ottawa Directory.  
 Oxley—Light Railways.  
  
 Paine—The Law of Bailments.  
 Paish—The British Railway Position.  
 Parsons—The Heart of the Railroad Problem.  
 Parsons—Railway Companies and Passengers.  
 Patterson—Railway Accident Law.  
 Pease—The Freight Transportation of Trolley Lines.  
 Pennsylvania State Railroad Commission Reports.  
 Pierce—Digest of Decisions under Act to Regulate Commerce, 1887-1908.  
 Piggott—Imperial Statutes.  
 Pim—The Railways and the State.  
 Pollock—Bill of Lading Exceptions.  
 Poor—Manual of Railroads.  
 Postal Guide of Canada.  
 Pratt—American Railways.  
 Pratt—Canals and Traders.  
 Pratt—German vs. English Railways.  
 Pratt and MacKenzie—Highways.  
 Pratt—A History of Inland Transport and Communication in England.  
 Pratt—Railways and their Rates.  
 Prentice—Federal Powers over Carriers and Corporations.  
 Prince Edward Island Reports.  
 Prince Edward Island Statutes, 1867-1912.  
 Proctor—The Drainage Acts, 1908, Ontario, Manitoba, and British Columbia.  
  
 Quebec Law Reports.  
 Quebec Official Reports.  
 Quebec Public Utilities Commission Annual Reports.  
 Quebec Statutes, 1868-1912. Revised Statutes, 1888, 1889, and 1909.  
  
 Railway Signal Association Manual.  
 Railway Signal Association, 1909, Proceedings.  
 Railway Statistics of Canada.  
 Railway Statistics of the United States.  
 Railways in the United States.  
 Ramsay & Morin's Reports.  
 Rapalje—Digest of American Decisions and Reports.  
 Rapalje and Mack—Digest of Railway Law.  
 Raper—Railway Transportation.  
 Rapports Judiciaires Officiels de Québec, S.C. 43 Vols.; K.B., 21 Vols.  
 Ray—Negligence of Imposed Duties. Passenger Carriers, Freight Carriers.  
 Redfield—The Law of Railways.  
 Redman—Arbitration and Awards.  
 Redman—Law of Railway Carriers.  
 Reeder—The Validity of State Regulations, State and Federal.  
 Reese on Ultra Vires.  
 Revue de Jurisprudence, 18 Vols.  
 Revue Legal, Old Series, 23 Vols. New Series, 17 Vols.

5 GEORGE V., A. 1915

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.—*Continued.*

- Rhode Island Public Utilities Commission Annual Report.  
 Richards—Conservation of Men.  
 Richardson & Hook—American Street Railway Decisions  
 Richards & Soper—Compensation.  
 Ripley—The Railroads and the People.  
 Ripley—Railroads, Rates and Regulations.  
 Ripley—Railway Problems.  
 Robertson—Tramways.  
 Robinson and Joseph—Law and Equity Digest.  
 Roscoe—Nisi Prius.  
 Ross—British Railways.  
 Rover on Railroads.  
 Russell on Arbitration.  
 Russell and Bayley—Indian Railways Act, 1890.  
 Russell—Equity Decisions of Nova Scotia.  
  
 Saskatchewan Reports.  
 Saskatchewan Statutes, 1906-1913. Revised Statutes, 1909.  
 Sayings and Writings about the Railways.  
 Schouler—Bailments and Carriers.  
 Scott—Automatic Block Signals.  
 Scott—Law of Telegraphs.  
 Scrutton—Charterparties and Bills of Lading.  
 Sellow—Steel Rails, their History, Properties, Strength, and Manufacture.  
 Seton on Decrees.  
 Shaughnessy—Before the Interstate Commerce Commission. Long and Short Haul Provisions.  
 Shelton—The lakes-to-the-Gulf Deep Waterway.  
 Sirey—Code Civil.  
 Smith—Organization of Ocean Commerce.  
 Snyder—American Railways as Investments.  
 Snyder—Annotated Interstate Commerce Act and Federal Anti-Trust Laws.  
 Sourdat.  
 South Carolina Railroad Commission Reports.  
 Stafford—The Canadian Oyster. Commission of Conservation, Canada.  
 Statistics of Express Companies in Dominion of Canada, 1912.  
 Statistics of Express Companies in the United States, 1909.  
 Statistics of Railways in Canada.  
 Statistics of Railways in the United States.  
 Statistics of Telegraph Companies in Canada.  
 Statuts du Canada.  
 Statuts de Québec.  
 Statutes relating to the City of Toronto, 1894.  
 Stephens—Digest of Highway Cases.  
 Stephen—Quebec Digest.  
 Sterne—Railways in the United States.  
 Steven—Digest of N. B. Reports.  
 Stewart—Index to Dominion and Provincial Statutes.  
 Stickney—The Railway Problem.  
 Streets—Foundations of Legal Liability.  
 Strombeck—Freight Classification.  
 Stroud's Judicial Dictionary.  
 Suffern & Son—Railway Operating Costs.  
 Supreme Court of Canada Reports.  
 Sutherland on Damages.  
  
 Talbot—The Making of a Great Canadian Railway.  
 Talbot and Fort—English Citations.  
 Talbot—Railway Conquest of the World.  
 Taschereau—The Criminal Code.  
 Taschereau—These du Cas Fortuit.  
 Taylor on Evidence.  
 Temiskaming and Northern Ontario Railway Commission Annual Reports.  
 Temp. Wood—Manitoba Reports.  
 Territories Law Reports.  
 Texas Railroad Commission Reports.  
 La Themis.  
 Théoret—Code de Procédure Civile, Montréal.  
 Thiess and Joy—Toll Telephone Practice.  
 Thompson—Law of Electricity.  
 Thornton—Railroad Fences and Private Crossings.  
 Tiedeman—Municipal Corporations in the United States.  
 Toronto Directory.

United States Supreme Court Reports. Digest.

## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1914.—*Concluded.*

- Van Zile—Bailments and Carriers.  
 Vaughan—Index to the Railway Acts of Canada, 1898.  
 Vermont Public Service Commission Reports.  
 Vermont Public Service Laws compiled from the public statutes and the Acts of the General Assembly at the Sessions of 1908 and 1910.  
 Virginia State Corporation Commission Reports.  
 Waghorn—Traders and Railways.  
 Washington—Progress and Prosperity.  
 Washington State Public Service Commission Reports.  
 Webb—Economics of Railroad Construction.  
 Webster's Collegiate Dictionary.  
 Weir's Assessment Law, Canada.  
 Weld—Private Freight Cars and American Railways.  
 Wellington—The Economic Theory of Railways.  
 Wellington—Economical Theory of Railway Location.  
 Weyl—Passenger Traffic of Railways.  
 Whitaker's Almanac.  
 Wigmore on Evidence.  
 Wilson—Mechanical Railway Signalling.  
 Wilson—Power Railway Signalling.  
 Wilson—Safety of British Railways.  
 Wisconsin Railroad Commission Reports.  
 Wood on Railway Law.  
 Woodfall—Railway and Canal Traffic.  
 Woodlock—Anatomy of Railroad Reports.  
 Words and Phrases Judicially Defined.  
 Wright—Locomotive Dictionary, 1912; American Railway Master Mechanics' Association.  
 Wyer—Regulation, Valuation, and Depreciation of Public Utilities.  
 Wyman on Public Service Corporations.  
 Young's Admiralty Nova Scotia Reports.  
 Yukon Territory Ordinances, 1903-1913. Consolidated Ordinance, 1902.



# APPENDIX J. RECORD ROOM.

STATEMENT showing applications made to the Board under the various Sections of the Railway Act, for the Fiscal Year ending March 31, 1914.

SECTIONS OF RAILWAY ACT.	1913.												1914.			
	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March.	Totals.			
Rescinding of Orders, Sec. 29.....	6	5	4	1	5	6	7	1	4	2	5	3	49			
Rules and Regulations, Secs. 30, 269, 307, 313.....			3				1					1	5			
Sunday Labour, Sec. 44.....	1												1			
Extension of Time, Sec. 50.....	3	5	10	1	5	10	6	3	15	5	6		69			
Location of Line, Secs. 157, 168.....	6	7	6	6	5	8	2	5	6	3			54			
Route Map, Sec. 157.....	3	1	1	4	1		2			4			16			
Correction of Plans, Sec. 162.....	1												1			
Railway, as Constructed, Sec. 164.....	7	5	2	11	5	6	5	1	6	11	2	1	65			
Deviation of Line, Sec. 167.....	16	12	10	14	12	9	6	5	7	5	5	7	108			
Expropriation of Lands, Secs. 172, 191.....	10	6	3	2	1	6	9	3	6	1	4	55	106			
Appeals to Governor in Council.....	1	1											3			
Branch Lines of Railway, Secs. 221, 226.....	55	40	52	48	46	37	47	44	30	16	27	25	467			
Railway Crossings and Junctions, Secs. 227, 229.....	16	23	20	19	10	12	17	17	10	7	7	7	165			
Interlocking Appliances, Sec. 227.....				1	1				1				3			
Highway Crossings, Secs. 235, 243.....	133	74	84	121	98	100	72	64	42	30	37	56	911			
Highway Diversions, Sec. 237.....	10	13	15	13	17	1	8	3	7	5	4	2	98			
Protection at Crossings, Sec. 243.....	13	9	8	5	6	5	17	17	15	4	3	5	107			
Telegraph and Telephone Connections, Sec. 245.....			2				2			1	2		7			
Telegraph Wire Crossings, Sec. 246.....							1				1		2			
Telephone Wire Crossings, Sec. 246.....				1	1	2	1	1					5			
Power Wire Crossings, Sec. 246.....		1	6	2	2	1	4	1	3	2		1	23			
Telephone Agreement, Sec. 248.....										3			3			
Canals, Ditches, etc., Sec. 249.....		1	3	2	2				1				1			
Water Pipes, Sec. 250.....		1								2			3			
Gas Pipes, Sec. 250.....		1								1			1			
Sawyers, Sec. 250.....				2		3	2	1			1		2			
Culverts, Sec. 250.....				3	1		2			3			2			
Farm Crossings, Secs. 252, 253.....	2	4	3	1	1	3	5			1	1		18			
Protection at Farm Crossings.....							3	1	1	1		4	25			
Cattleguards, Secs. 254, 255.....	1	6	1	2	1							1	12			

## SESSIONAL PAPER No. 20c

[illegible]

F. R. D.  
Statistical Clerk Records.

OTTAWA, April 9, 1914.

## APPENDIX K.

LIST OF CASES APPEALED TO THE SUPREME COURT SINCE  
FEBRUARY 1, 1904, TO MARCH 31, 1914.

File 1114.—Montreal Terminal Railway vs. Montreal Street Railway, Pius IX Avenue Crossing. Appeal from order of Deputy Chief Commissioner and Commissioner Mills on question of jurisdiction. Appeal allowed.

File 1492.—James Bay Railway vs. Grand Trunk Railway Crossing Belt Line spur. Appeal to the Supreme Court on question of law. Appeal dismissed.

File 383.—Canada Atlantic Railway, Ottawa Electric Railway and City of Ottawa, *re* Bank Street subway. Appeal of the Ottawa Electric Railway Company on question of law. Appeal dismissed.

File 588.—*Re* Toronto Union Station, A. R. Williams Expropriation. Appeal to Supreme Court and then to Privy Council, England, on question of jurisdiction. Appeal dismissed.

File 1604.—Case 1309—Robinson vs. Grand Trunk Railway two-cent rate. Appeal to the Supreme Court and then to the Privy Council, on question of law. Appeal dismissed.

File 689.—Canadian Pacific Railway Company vs. Grand Trunk Railway *re* branch line, London, Ont. Company appeal to Supreme Court on question of jurisdiction. Appeal dismissed.

Case 1680.—Essex Terminal and W. E. & L. S. R. R. crossing, township of Sandwich. Appeal by the Essex Terminal Railway to the Supreme Court on question of law. Appeal dismissed.

File 1497.—T. D. Robinson and Canadian Northern Railway spur at Winnipeg. Appeal to the Supreme Court by the Canadian Northern Railway Company on question of jurisdiction. Appeal dismissed.

File 9527.—Montreal Street Railway *re* rates Montreal Royal Ward. Appeal by the Montreal Street Railway to the Supreme Court of Canada on question of jurisdiction. Appeal allowed.

File 4719.—*Re* Agriculture Department, province of Ontario, and Grand Trunk Railway Company Station at Vineland. Appeal to the Supreme Court of Canada by the Railway Company on question of jurisdiction. Appeal dismissed.

Case 3322.—*Re* Toronto Viaduct. Appeal to the Supreme Court by the Canadian Pacific Railway Company on question of law. Appeal dismissed.

Case 4813.—*Re* Fencing and Cattle-guards—Order No. 7473. Appeal to the Supreme Court by the Canadian Northern Railway Company on question of jurisdiction. Appeal allowed in part.

Case 4492.—City of Toronto and Grand Trunk Railway and Canadian Pacific Railway Companies, *re* commutation tickets. Stated Case to the Supreme Court by the City of Toronto on question of law.

Case 3545.—*Re* City of Ottawa and County of Carleton, Richmond Road Viaduct. Appeal by County of Carleton, on question of jurisdiction. Appeal dismissed.

File 13079.—Grand Trunk Railway and Canadian Northern Ontario railway spur, township of Scarboro. Appeal to the Supreme Court by the Grand Trunk Railway Company on question of jurisdiction. Appeal dismissed.

Case 3269.—Grand Trunk Railway and British American Oil Company Oil Rate. Appeal to the Supreme Court by the Grand Trunk Railway Company on question of law. Appeal dismissed.



## SESSIONAL PAPER No. 20c

File 1519.—Grand Trunk Pacific Railway and Fort William, *re* location. Appeal by the Grand Trunk Pacific Railway to the Supreme Court of Canada, on question of jurisdiction. Appeal dismissed.

File 11965.—Niagara, St. Catharines and Toronto Railway and Davy. Appeal to the Supreme Court by the Niagara, St. Catharines and Toronto Railway Company on question of jurisdiction. Appeal allowed.

File 9527.—Montreal Street Railway, *re* Rates, Mount Royal Ward. Appeal by Montreal Park and Island Railway Company to the Supreme Court of Canada on question of jurisdiction. Appeal allowed.

File 10912.—Application of the Canadian Northern Railway Company, under Section 237, of Railway Act, to cross certain streets in city of Prince Albert, Sask., and Chas. Macdonald. Not yet heard.

File 15580.—Clover Bar Coal Co., Ltd., and Wm. Humberstone, the Grand Trunk Pacific Railway Company, and the Clover Bar Sand and Gravel Co. Appeal allowed.

File 12682.—Regina Rate Case. Appeal dismissed.

File 1487.—Application of E. B. Chambers and W. R. G. Phair in connection with Order of the board No. 544, dated July 13, 1905, *re* C.P.R. location, Molson, St. Boniface Branch. Leave to appeal granted.

File 17963.—Application of the Grand Trunk Pacific Railway Company for leave to appeal from judgment of the board in regard to complaint of A. E. Purcell, of Saskatoon, Sask. Appeal dismissed with costs, judgment being confined to the particular circumstances at Saskatoon.

Case 3269.—Application of the Canadian Pacific Railway Company for leave to appeal from judgment of the board on question of jurisdiction is regard to British American Oil Company's case. Appeal dismissed with costs.

Case 3269.—Application of the Canadian Pacific Railway Company for leave to appeal from judgment of the board on question of jurisdiction is regard to British American Oil Case. Appeal dismissed with costs.

Files 15330-15330.1.—Application of the Grand Trunk and Canadian Pacific Railway Companies for leave to appeal upon the question of jurisdiction of the board, is regard to order dated May 16, 1911 *re* Canadian Oil Company. Appeal dismissed with costs.

File 19435.—Application of the Grand Trunk Pacific Railway Company for leave to appeal from order No. 16701 of the board, dated June 4, 1912, authorizing the city of Edmonton to cross the tracks and wires, etc., of its municipally-owned electric street railway, the tracks of the Grand Trunk Pacific Railway Company at 21st street, Edmonton. Appeal dismissed.

File 14329-9.—Montreal Park and Island Railway Company and Montreal Tramways Company, for leave to appeal against Order of the Board No. 17083, dated July 20, 1912, allowing the Lachine, Jacques Cartier and Maisonneuve Railway Company to expropriate lands of the Montreal Park and Island Railway Company. Still pending.

File 20062.—Application of the British Columbia Electric Railway Company, from Order of the Board No. 17480, dated October 14, 1912, authorizing the city of Vancouver to construct Hastings, Pender, Keefer, and Harris streets across the tracks of the Vancouver, Victoria and Eastern railway and Navigation Company, in the city of Vancouver, B.C. Appeal granted.

# LIST OF APPEALS TO THE GOVERNOR IN COUNCIL FROM FEBRUARY 1, 1914 TO MARCH 31, 1914.

File 399.—Bay of Quinté Railway, crossing Canadian Pacific Railway Company at Tweed, Ont. Appeal to the Governor in Council by the Bay of Quinté Railway. Order of the Board set aside and former Order of the Railway Committee confirmed.

File 1455.—James Bay Railway *vs.* Grand Trunk Railway Crossing near Beaver Bay. James Bay Railway Company appeal to the Governor in Council. Appeal dismissed.

File 1780.—*Re* Chatham Street Crossings, Grand Trunk Railway Company. appeal by Grand Trunk Railway Company to the Governor in Council. Appeal dismissed.

File 12992.—*Re* Maniwaki Branch of C.P.R., starting of trains from Ottawa. Appeal allowed and case referred back to board.

File 2030.—*Re* tariffs of certain Yukon Railway (this was not included in the report).

File 12912.—Park Avenue Subway. Town of St. Louis, Montreal and Canadian Pacific Railway. Appeal dismissed in part.

File 3452-30.—Application of J. Y. Rochester *re* Cameron Bay and Grand Trunk Pacific Railway Company. Appeal dismissed.

File 17040.—Lambton to Weston Spur and Canadian Pacific Railway Company. Appeal still pending.

File 17716.—Canadian Pacific Railway Company spur (Longue Pointe) through town of Maisonneuve, Que. Appeal dismissed.

Files 18849 and 18787.—South Hazelton townsite and Grand Trunk Pacific Railway Company. Appeal allowed.

Case 3322.—Toronto Viaduct Case. Appeal pending. .

9437-153 and 12021-70.—Appeal of the Corporation of the City of Toronto, Ont., from two Orders of the Board of Railway Commissioners for Canada, dated June 25, 1912, and numbered respectively 16842 and 16846, and in the matter of the North Toronto Grade Separation, Yonge Street Subway. Appeal dismissed.

File 19024.—Appeal of Charles Miller of Toronto, Ont., from the Order of the Board dated the 14th day of May, 1913, in the matter of the Application of the Grand Trunk Pacific Railway Company for the approval of the location of the Company's station at Prince George, B.C. Appeal still pending.

File 16177.—Appeal off the Canadian Pacific Railway Company from the Order of the Board dated the 19th day of February, 1913, in the matter of the application of the Mountain Lumber Mfrs. Association regarding lumber rates. Appeal withdrawn.

## APPENDIX "L."

## STANDARD REGULATIONS OF THE BOARD AFFECTING HIGHWAY CROSSINGS, AS AMENDED MAY 4, 1910.

Unless otherwise ordered by the board, the regulations regarding the future construction of highway crossings are and shall be as follows:—

1. With each application, the railway company shall send to the secretary of the board three sets of plans and profiles of the crossing or crossings in question:—

Scale:—

Plan	.....	400 feet to an inch.
Profile of railway	} Horizontal	400 "
		Vertical
Profile of highway	} Horizontal	100 "
		Vertical

First set, for approval by and filing with the board.

Second and third sets, to be furnished to the respective parties concerned, with a certified copy of the order approving of the same.

2. The plan and profile shall show at least one-half mile of the railway each way and 300 feet of the highway on each side of the crossing.

3. The plan shall show all obstructions to the view from any point on the highway within 100 feet of the crossing to any point on the railway within one-half mile of the said crossing.

4. The company shall give the municipality in which the proposed crossing lies, ten days' notice of the application and copies of the plan, and furnish the board with proof of service.

5. The road surface of level or elevated approaches, and of cuts made for approaches, to rural railway crossings over highways shall be 20 feet wide.

(a) A strong, substantial fence, or railing 4 feet 6 inches high, with a good post-cap (4 inches by 4 inches), a middle piece of timber (1½ inches by 6 inches), and a 10-inch board firmly nailed to the bottom of the posts to prevent snow from blowing off the elevated roadway, shall be constructed on each side of every approach to a rural railway crossing over a highway where the height is 5 feet or more above the level of the adjacent ground,—leaving always a clear road surface of 20 feet in width.

6. Unless otherwise ordered by the board, the planking, or paving blocks, or broken stone topped with crushed rock screenings, on rural railway crossings over highways (between the rails and for a width of at least 8 inches on the outer sides thereof) shall be 16 feet wide.

7. In cities, towns and villages, the width of all kinds of approaches to a railway crossing over a highway (street or avenue), and of the planking between the rails and on the outer sides thereof, must be regulated by the position of the street and the traffic or the anticipated traffic thereon, but shall not be less than 20 feet wide.

8. *Cuts and Fillings on Highway Crossings.*—Wherever a cut on the line of railway exceeds 9 feet or a filling thereon exceeds 7 feet at a highway or street crossing, the railway company, before proceeding with the work of construction, shall refer the matter to the board, with a full statement of the facts and circumstances, that the board may decide as to the advisability of ordering a separation of grades at the said crossing.

9. In special cases, it may, upon application, be ordered that any existing highway crossing be constructed so as to conform to the foregoing standards and requirements.

By order of the board,

A. D. CARTWRIGHT,

Secretary.



## GENERAL ORDER No. 95.

Saturday, the 2nd day of November, A.D., 1912.

In the matter of the circular of the board No. 87, calling upon railway companies subject to its jurisdiction to show cause why an order should not go prohibiting the said companies from issuing an embargo against any traffic for a period longer than four days, without first giving the board at least ten days' previous notice of its intention to issue such embargo, and the reason why such embargo is to be issued. File 19801.

Upon the hearing of the matter at the sittings of the board held in the city of Ottawa, June 18, 1912, the Grand Trunk Railway Company of Canada, the Canadian Pacific, Canadian Northern, and Great Northern Railway Companies being represented by counsel at the hearing; and reading what has been filed on behalf of the respondent railway companies, and the report and recommendation of the chief operating officer of the board.

It is ordered as follows: Whenever a railway company subject to the jurisdiction of the board, issues an embargo against any traffic, it shall, within forty-eight hours thereafter, file with the board a copy of such embargo, with a statement of the conditions rendering such embargo necessary, the action required to remove such conditions, and the probable time such embargo will be continued. And when such embargo is withdrawn or cancelled, the company shall forthwith file with the board a copy of such withdrawal or cancellation.

D'ARCY SCOTT,

*Assistant Chief Commissioner.*

## GENERAL ORDER No. 96.

Monday, the 11th day of November, A.D., 1912.

File No. 15382.

In the matter of the specification for highway crossing signals.

In pursuance of the powers vested in it under sections 30 and 237 of the Railway Act, and of all other powers possessed by the board in that behalf; upon the report of the chief engineer of the board, and upon reading the comments of the representatives of railways and supply companies interested in the erection and maintenance of highway crossing signals—

It is ordered:—1. That until further notice the specifications for signals at highway crossings are and shall be as follows:—

*Post.*—The signal must be placed upon a post of suitable structural material. If the post is made of wood, it must be of sound timber not less than 8 by 8 inches and 18 feet long, and shall be firmly set in the ground to a depth of 4 feet. If it is made of iron or steel, it shall be not less than 4 inches in diameter, shall extend at least 12 feet above the ground, and shall be firmly bolted to a concrete or other foundation constructed below the frost line.

*Bell.*—A bell which shall emit a clear, loud volume of sound under all weather conditions must be used.

*Sign.*—A sign shall be placed upon the same post as the bell with the word "danger" upon it in letters not less than 6 inches in length, to be illuminated, so as to be plainly visible after sunset. There may be added to the post, if so desired, the railway crossing sign provided for by section 243 of the Railway Act.

*Operation.*—The bell and the illumination of the sign shall be controlled and operated automatically by the approach of trains, in such manner that only approaching trains shall operate the signal.

## SESSIONAL PAPER No. 20c

2. That any order of the board providing for the installation of a highway crossing signal and referring to "standard specifications for highway crossing signals" be deemed as intended to be a reference to the specifications herein approved and adopted.

3. That the said "standard specifications for highway crossing signals" come into force the day of the date of this order, and apply to all highway crossing signals hereafter installed.

4. That the general order of the board No. 12915, dated February 7, 1911, approving specifications for the installation of electric bell signals at highway crossings, be, and it is hereby, rescinded.

D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

File 1700-29.

## GENERAL ORDER No. 97.

Saturday, the 30th day of November, A.D., 1912.

In the matter of the application of the Canadian Pacific Railway Company, the Grand Trunk Railway Company, the Canadian Northern Railway Company, and the Michigan Central Railroad Company, on behalf of themselves and of other railway companies subject to the jurisdiction of the board, for permission to increase, temporarily, the toll for car detention by shippers or consignees, with the object of minimizing the misuse of freight cars for storage purposes, and alleviating the car shortage and congestion of traffic.

Upon the hearing of the application at the sittings of the board held in the city of Ottawa on the 27th November, 1912, counsel and representatives appearing for the applicant railway companies, the Canadian Manufacturers Association, the Montreal and Toronto Boards of Trade, the Montreal Corn Exchange, the Dominion Millers' Association, the Canadian Lumbermen's Association and others—

It is ordered that, on the publication and filing of tariffs therefor, and for the period commencing the fifteenth day of December, 1912, and terminating the thirty-first day of March, 1913, both inclusive, the said applicant companies be, and they are hereby permitted to increase the car service or demurrage toll prescribed by the order of the board No. 906, dated the 25th day of January, 1906, from one dollar a day to two dollars a day for the first twenty-four hours, or any part thereof, and to three dollars a day for each succeeding twenty-four hours, or any part thereof, for delay beyond the free time allowed by the said order for loading or unloading cars: provided that this order shall not apply to cars held in transit at stop-over points under published tariffs filed with the board.

D'ARCY SCOTT,  
*Assistant Chief Commissioner,*

File No. 1700-29.

Application of Railway Companies for Order permitting a temporary increase of demurrage charges.

Heard at Ottawa, November 27, 1912.

## ASSISTANT CHIEF COMMISSIONER:

The railway companies under the jurisdiction of the board apply for a temporary increase of the demurrage charges permitted under the Canadian Car Service Rules, from \$1 per day beyond the free time, to \$2 for the first twenty-four hours, \$3 for the second twenty-four hours, and \$4 for the third and succeeding twenty-four hours, of car detention after the free time allowed by the rules

5 GEORGE V., A. 1915

It cannot be denied that a car shortage equal to, if not greater than that of last year is imminent; and, unless some steps are taken to secure an adequate supply of cars, traffic will be seriously handicapped during the approaching winter and spring until the opening of navigation. Evidence was submitted to the board by the applicants, showing an unreasonable detention of a large number of cars at many of the principal traffic centres of the country. It is urged by the railway companies that the unnecessary detention of cars by shippers and consignees, not only handicaps the railway companies by depriving them of cars which would otherwise be available for traffic, but also causes congestion by blocking team tracks and private sidings in terminals. It is also contended that at least 50 per cent of what are called railway detentions, that is, the unnecessary holding of cars in terminals by the railway companies, are due to the blocking of these terminals by the unnecessary detention of cars by shippers and consignees.

The board is fully alive to the very unsatisfactory methods adopted by some of the railway companies for the handling of freight traffic. It has had its expert officials examine and report on the terminal and transportation facilities of the railway companies for some time. It has had the railway companies and the representatives of the shippers before it, and has discussed with the former the necessity for increasing the facilities and rolling stock of the railways, in order to overcome the unsatisfactory condition of affairs; and the railway companies are, undoubtedly, making an honest effort to relieve the congested condition of freight traffic, by increasing their facilities in the way of enlarging their yards, double-tracking, providing more cars, and adding to their motive power.

We are all thankful to realize that the traffic of the country is increasing at a far greater rate than was anticipated but a few years ago.

I believe there is much yet for the railways to do to equip themselves to handle the business of the country properly; but, as I have said before, I am satisfied that they are making an honest effort to do so; and they now ask, in a time of congestion of traffic, that those whose merchandise they carry do what they can to assist by loading and unloading cars as promptly as possible, in order that they may be available for the use of shippers.

The practice of consignees holding cars and using them for storage or warehouse purposes, undoubtedly exists. In many cases, it is cheaper for a consignee to pay \$1 a day demurrage and use the car as a warehouse, than to unload the car promptly and store his goods in some other place. Many merchants and traders, whose business has materially increased within the last few years, have not sufficient shed capacity to take care of their goods.

The applicants, in order to induce prompt release of cars, ask that the demurrage charges be so increased that, because of the expense of holding a car beyond the free time, shippers, and consignees will be prompted to load and unload cars with the utmost despatch.

The object of Car Service Rules is not to supply revenue for the railway companies, but to insure prompt release of cars, that they may be available for other shippers. The \$1 for each twenty-four hours' detention over the free time is apparently not a sufficient inducement to secure the prompt release of cars in many cases; and I am of the opinion that temporarily, during the present shortage of cars, the demurrage charge should be so increased as to ensure the prompt release of cars in all cases.

When a congestion occurred some time ago, on the Ontario Government Railway (T. and N.O.) the demurrage charge imposed by the Government was increased from \$1 to \$3; and, from the uncontroverted evidence submitted to the board, it proved to be beneficial in securing a more prompt release of cars. The Pacific Car Service Bureau, having jurisdiction in the state of California, made a protracted experiment by increasing demurrage charges gradually from \$1 to \$6 per day over the free time; and it has recently fixed the rate at \$3 per day, as being the most satisfactory amount.



## SESSIONAL PAPER No. 20c

Being of the opinion that the railway companies have made out a good case for a temporary increase of demurrage charges, I have come to the conclusion, bearing in mind the facts above stated, that the increase should not exceed a maximum of \$3; I would increase the charge to \$2 for the first twenty-four hours, and \$3 for each subsequent twenty-four hours, beyond the free time as provided in our Car Service Rules.

The railway companies are on record as stating that, if they get this temporary increase, which I think should be granted, there will be very little congestion, and few, if any, delays in the placing of cars. It will now be incumbent upon them to carry out their undertaking. This temporary increase in demurrage charges may be taken as a substantial contribution by the shipping public towards the relief of the difficulties, and it will be for the railway companies to do the rest. Unless greater effort is made by the railway companies, with the view of more prompt transportation and handling of traffic, I do not believe that the increase in the demurrage charges will make any substantial difference.

There is almost a unanimity of opinion among the shipping public, that they would cheerfully consent to the increase in demurrage charges, if a measure of reciprocal demurrage was made effective at the same time; that is, if the railway companies would pay a per diem allowance to the shipper, or consignee, for unreasonable delays in the delivery of cars on the part of railway companies. That is a matter with which we cannot deal in this application. It was brought to the attention of the board at a sitting in Winnipeg, in July last, and is, I believe, now being considered by the chief commissioner and Mr. Commissioner McLean on their present western trip; and it cannot be disposed of without a hearing in the East, where a number of shippers desire to be heard on the subject. In disposing of the question of reciprocal demurrage, the board will, of course, consider what, if any, effect this temporary increase in the demurrage charges may have upon that question; but I see no reason why the present application should be delayed on that account.

I, therefore, think an order should go granting a temporary increase in the demurrage charges as mentioned above, to become effective on the 15th December next, and continue until the 1st April next; when, unless otherwise ordered by the board, the old charge of \$1 per day will be restored. I have made the effective date December 15 so as to give the shippers and consignees two weeks' notice.

It was pointed out to us at the hearing yesterday that the charges permitted for stop-over privileges at Cartier and other points throughout Canada were based upon the present demurrage charges; and that, unless otherwise ordered by the board, an increase in demurrage charges might result in an increase of stop-over charges. There should be no increase in stop-over charges; and provisions to that effect should be incorporated in the order.

D'ARCY SCOTT.

OTTAWA, November 28, 1912.

## GENERAL ORDER No. 98.

In the matter of the application from Sanitaris, Limited, of Amnprior; White & Company, of Toronto, the Board of Trade of the City of Hamilton; and others, for an Order requiring Railway Companies during cold weather to furnish heated refrigerator cars for the carriage of perishable freight in less than carload quantities.—Files 18855 and 18855.1.

Upon the hearing of certain of the applications at the sittings of the board held at Ottawa on July 3, 1912, and at Toronto on September 28, 1912, in the presence of counsel for and representatives of the applicants and the railway companies, and what was alleged; and upon the report and recommendation of the chief traffic officer of the board—

5 GEORGE V., A. 1915

It is ordered that, until further ordered by the board, upon the receipt of reasonable notice from the shipper, or shippers, that such is or are required, railway companies, subject to the jurisdiction of the board, operating in Eastern Canada, which own refrigerator cars, and according to their respective powers, furnish to any shipper, or combination of shippers, a heated refrigerator car, or cars for the carriage, during cold weather, of fruit, vegetables, and eggs, in less than carload quantities, the same to be carted by the shipper, and loaded in the car by the shipper, or shippers, in the order in which the shipments are to be unloaded: Provided that under this order the carrier be not required—

(a) To accept shipments necessitating more than five openings of any such car for unloading purposes.

(b) To furnish heated cars for transshipments from the original car for destinations off the route of the said car.

(c) To accept less than a total weight of 12,000 pounds in any such car, or a less aggregate amount in freight charges than for 12,000 pounds distributed pro rata over the various shipments in any car.

(d) To accept such shipments unless the freight charges are prepaid.

(e) To assume liability for loss or damage to the property by frost (1) while in the car, if caused by the opening of the car for loading or unloading purposes; or (2) after it has been unloaded from the car.

D'ARCY SCOTT,

*Assistant Chief Commissioner.*

#### GENERAL ORDER No. 99.

File 18663.9.

WEDNESDAY, the 18th Day of December, A.D. 1912.

In the matter of the special tariffs of the railway companies, subject to the jurisdiction of the board, increasing the charges for cartage, and the request of the board that the said companies show cause for such increases.

Upon the hearing of the matter at the adjourned sittings of the board held in Ottawa, December 17, 1912, in the presence of counsel for and representatives of a majority of the railway companies interested; counsel for and the representatives of the Hendrie Cartage Company; and the representatives of the Canadian Manufacturers' Association, the Boards of Trade of Montreal and Toronto, and the Ontario Wholesale Grocers' Guild; the evidence adduced, and what was alleged; and the reading of what has been filed—

It is ordered that the special tariffs of the railway companies, the effective dates of which were postponed to and including the 31st day of December, 1912, by the orders of the board, Nos. 17911, 18088 and 18153, dated respectively the 6th, 21st and 30th days of November, 1912, be, and they are hereby disallowed; and that, in lieu thereof, the railway (or railroad) companies may publish and file, and make effective on statutory notice, special tariffs of tolls chargeable for cartage at those points in Eastern Canada where cartage services are rendered by the said companies, or their agents, which shall not exceed  $2\frac{1}{2}$  cents per 100 pounds: Provided that a minimum toll may be charged and collected for the cartage of any single complete shipment, which minimum toll shall not exceed 15 cents.

D'ARCY SCOTT,

*Asst. Chief Commissioner.*

SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 100.

File 1717. Part II.

THURSDAY, the 16th day of January, A. D. 1913.

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies operating in Canada, for the approval of the "Regulations for the Transportation of Explosives."

Upon its appearing to the board that the general public safety demands that the receiving, forwarding, and delivering of explosives by railway companies be protected by special regulations; that it is desirable that such regulations, so far as possible, be uniform with respect to shipments from a foreign country into or through Canada, or from Canada to a foreign country, as well as within Canada; and that the regulations submitted for approval are the same as those adopted by the Interstate Commerce Commission, revised and modified to conform to the provisions of the Railway Act and the requirements in Canada; and in pursuance of the powers conferred upon it by sections 26, 30, 286, and 287 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that the said regulations, attached hereto marked "A", certified by the chief commissioner of the board, be, and they are hereby, prescribed for the observance of railway companies within the legislative authority of the Parliament of Canada which accept explosives for carriage; that the said regulations come into force on the first day of March, 1913; and that upon and after the said first day of March, 1913, the order of the Board No. 7881, dated August 27, 1909, be rescinded.

H. L. DRAYTON,  
*Chief Commissioner.*

"A"

## GENERAL RULES.

Unless specifically authorized by these regulations, explosives must not be packed in the same outside package with each other, or with other articles. Explosives, when offered for shipment by rail, must be in proper condition for transportation and must be packed, marked, loaded, stowed, and handled while in transit in accordance with these regulations. All packages in less than carload shipments must also be plainly marked on the outer covering or boxing (outside package) with the name and address of consignee. Empty boxes previously used for high explosives are dangerous and must not be again used for shipments of any character. Empty boxes which have been used for the shipment of other explosives than high explosives must have the old marks thoroughly removed before being used for the shipment of other articles. Empty metal kegs which have been used for the shipment of black powder which was not contained in an interior package must not be again used for shipment of any explosive.

To enable the carrier to provide proper cars at stations where less than carload shipments of the dangerous explosives named in paragraph 1661 are offered for loading by the carrier, the shipper must give to the carrier not less than twenty-four hours' notice of his intention to offer such shipments and state their destinations.

B. Explosives, except such as are forbidden (see pars. 1501 and 1531 to 1536), may be received for transportation, provided the following regulations are complied with, and provided their method of manufacture and packing, so far as it affects safe transportation, is open to inspection by a duly authorized representative of the initial carrier, or of the Bureau for the Safe Transportation of Explosives and other Dangerous Articles of the American Railway Association (hereinafter called the Bureau of



5 GEORGE V., A. 1915

Explosives if he be so designated by the Canadian carrier. Shipments of explosives that do not comply with these regulations must not be received. Shipments offered by the Dominion Government may be packed, including limitations of weight, as required by its regulations.

C. Before any shipment of explosives destined to a point beyond the lines of the initial carrier is accepted from the shipper, the initial carrier must ascertain that the shipment can go forward via the route designated, and that delivery can be made at destination. To avoid unnecessary delays, arrangements must be made to furnish this information promptly to the initial carrier. Shipments offered by connecting lines must conform to these regulations.

D. Consignees of explosives must remove the same from the carriers' property within forty-eight hours after notice of arrival. (See par. 1672.)

#### TESTS FOR STRENGTH OF PACKAGE.

E. When inexplusive material of equal weight is substituted (fine and dry sand for a granular explosive, dummy cartridges for high-explosive cartridges), and the outside package is dropped twice successively on its end to solid brick or concrete from a height of four feet, the outside package must not open nor rupture, nor must any portion of the contents escape therefrom.

F. In addition to standing the test in General Rule E, the design and construction of packages must be such as to prevent the occurrence in individual packages of defects that permit leakage of their contents under the ordinary conditions incident to transportation, and must be constructed in accordance with any specifications applicable and approved by the Board of Railway Commissioners. The results of experience, gained by an examination of packages on arrival at destination, must be recorded by a duly authorized representative of the terminal carrier, or by the Bureau of Explosives, to the end that further use of any particular kind of package shown by experience to be inefficient may be prohibited by the board, even if it should stand the drop test prescribed by General Rule E.

G. Violations of these regulations, and accidents or explosions occurring in connection with the transportation or storage on railway property of explosives, must be reported by the carrier to the Chief Inspector, Bureau of Explosives, 30 Vesey Street, New York City, and to the Secretary of the Board of Railway Commissioners.

Serious violations discovered in cars containing explosives (such as defective packing, improper stowing, rough treatment of car, broken packages, etc.), with a statement of apparent cause, must be thus reported without delay. Clerical and routine errors should be noted and reported periodically to the Chief Inspector, Bureau of Explosives.

All violations must be corrected before forwarding the car.

#### GROUPING.

H. For transportation purposes, explosives are divided into the following groups:

1. Forbidden explosives.
2. Black powder.
3. High explosives.
4. Smokeless powders.
5. Fulminates.
6. Ammunition.
7. Fireworks.

## SESSIONAL PAPER No. 20c

## SECTION 1.—INFORMATION AND DEFINITIONS.

*Group 1.—Forbidden Explosives.*

(See Paragraphs 1531 and 1536.)

1501. The following are forbidden explosives:—

- (a) Liquid nitroglycerine.
- (b) Dynamite containing over 60 per cent of nitroglycerine (except gelatine dynamite).
- (c) Dynamite having an unsatisfactory absorbent, or one that permits leakage of nitroglycerine under any conditions liable to exist during transportation or storage.
- (d) Nitro-cellulose in a dry condition, in quantity greater than ten (10) pounds in one exterior package. (See pars. 1555 to 1559.)
- (e) Fulminate of mercury in bulk in a dry condition, and fulminates of all other metals in any condition, except as a component of manufactured articles whose transportation is not forbidden herein.
- (f) Fireworks that combine an explosive and a detonator or blasting cap. (See pars. 1515 and 1644.)
- (g) Fireworks that ignite spontaneously when subjected for 48 consecutive hours in the presence of moisture to the temperature of boiling water.
- (h) Firecrackers whose dimensions exceed 5 inches in length or three-quarters of an inch in diameter or whose explosive charges exceed 45 grains each in weight.
- (i) Toy torpedoes or caps exceeding  $1\frac{1}{2}$  inches in diameter, or containing more than an average of thirty-five hundredths of a grain of explosive composition per cap.
- (j) Fireworks\* that can be exploded "en masse" by a commercial detonator placed in one of the units, or by the impact of a rifle bullet, or otherwise.
- (k) Fireworks containing a match tip or head, or similar igniting point or surface, unless each individual tip, head, or similar igniting point or surface, is entirely covered and securely protected from accidental contact or friction with any other surface.

*Group 2.—Black Powder.*

(See paragraphs 1541 to 1545.)

1502. Black powder embraces all explosives having a composition similar to that of ordinary gunpowder, such as carbonaceous material, sulphur, and a nitrate of sodium or potassium. This group includes rifle, sporting, blasting, cannon, and the prismatic powders.

*Group 3.—High Explosives.*

(See paragraph 1551 to 1560.)

1503. High explosives are all explosives more powerful than ordinary black powder, except smokeless powders and fulminates. Their distinguishing characteristic is their susceptibility to detonation by a commercial detonator, or blasting cap. Many high explosives are sensitive to percussion and to friction. Examples of high explosives are the dynamites, picric acid, picrates, chlorate powders, and nitrate of ammonia powders.

*Group 4.—Smokeless Powders.*

(See paragraphs 1571 to 1579.)

1504. Smokeless powders are those explosives from which there is little or no smoke when fired. The group consists of smokeless powder for cannon, and smoke-

\*Such articles may be shipped when packed, marked, and certified in accordance with these regulations and offered for shipment as high explosives.

less powder for small-arms. Smokeless powder for cannon used in the United States at the present time consists of a nitro-cellulose colloid, and is safe to handle and transport. Smokeless powders for small-arms may consist of nitro-cellulose, nitro-cellulose combined with nitroglycerine, picrate mixtures, or chlorate mixtures.

*Group 5.—Fulminate.*

(See paragraphs 1591 to 1593.)

1505. This includes fulminate of mercury in bulk form—that is, not made up into percussion caps, detonators, blasting caps, or exploders.

*Group 6.—Ammunition.*

(See paragraphs 1601 to 1622.)

1506. Small-arms ammunition (such as is used in sporting or fowling pieces, or in rifle, pistol practice, etc.), consists usually of a paper or metallic shell, the primer, and the powder charge, with or without shot or bullet, the materials necessary for one firing being all in one piece.

1507. Ammunition for cannon embraces all fixed or separate loading ammunition packed in a single package in which the projectile weighs one pound or over, and is usually transported only for Government use. When the component parts are packed in separate outside packages, such packages will be shipped as smokeless powder for cannon, explosive projectiles, empty (including solid) projectiles, primers, or fuses. Igniters composed of black powder may be attached to packages in shipments of smokeless powder.

1508. Explosive projectiles, or loaded shells for use in cannon, are not liable to be exploded except by fire of considerable intensity, and the flying fragments would then be very dangerous.

1509. Detonators is the technical name for articles such as blasting caps, the use of which is to cause explosions of a high order, or “detonations.” This means the instantaneous conversion of the entire explosive into gas, instead of the gradual conversion known as “combustion.” Dynamite “detonates,” and smokeless powder for cannon “burns.”

1510. Blasting caps contain from 5 to 50 grains of dry fulminate of mercury, or a similar substance, packed in a thin copper cup and fired by a slow-burning safety fuse. When a small “bridge” of fine wire is embedded in the fulminate, held by a sulphur cast, and arranged to fire the fulminate by heating the bridge by means of an electric current, the cap is called an “electric blasting cap.”

1511. Detonating fuses are used to detonate the high explosive bursting charges of projectiles or torpedoes. In addition to a powerful detonator they may contain several ounces of a high explosive, such as picric acid, or dry nitro-cellulose, all assembled in a heavy steel envelope, the flying fragments of which, in case of explosion, would be very dangerous. From their careful design, manufacture, and packing detonating fuses are not liable to be exploded in transportation except by fire of considerable intensity.

1512. Primers, percussion and time fuses are devices used to ignite the black powder bursting charges of projectiles, or the powder charges of ammunition. For small-arms ammunition the primers are usually called “small-arm primers” or “percussion caps.” Percussion tracer fuses consist of a device which is attached to a projectile, and contains a slow-burning composition to show the flight of projectiles at night.



SESSIONAL PAPER No. 20c

*Group 7.—Fireworks.*

(See paragraphs 1641 to 1647.)

1513. Fireworks include everything that is designed and manufactured primarily for the purpose of producing a visible or an audible pyrotechnic effect by combustion or by explosion. They consist of common fireworks and special fireworks. (See par. 1501 (j) and footnote.)

1514. Common fireworks include all that depend principally upon nitrates to support combustion and not upon chlorates; that contain no phosphorus and no high explosive, sensitive to shock and friction; that produce their effect through colour display rather than by loud noises. If noise is the principle object, the units must be small and of such nature and manufacture that they will explode separately and harmlessly, if at all, when one unit is ignited in a packing case. They must not be designed for ignition by shock or friction. Examples are Chinese firecrackers, Roman candles, pin wheels, coloured fires, rockets, serpents, railway fuses, flash powders, etc.

1515. Special fireworks include all that contain any quantity of phosphorus, a fulminate, or other high explosive sensitive to shock or friction, or that contain units of such size that the explosion of one while being handled would produce a serious injury, or that require a special appliance or tool, mortar, holder, etc., for their safe use, or that are designed for ignition by shock or friction. Examples are giant firecrackers, bombs and salutes not high explosives, top torpedoes and caps, ammunition pellets fired in a special holder, railway torpedoes, etc.

## SECTION II.—CONDITIONS OF ACCEPTANCE AND SHIPMENT OF PACKAGES.

*Group 1.—Forbidden and Condemned Explosives.*

1531. Forbidden explosives, as defined in paragraph 1501, and explosives condemned by the Bureau of Explosives (except properly repacked samples for laboratory examination), must not be shipped. Samples of any new explosive must be examined and approved as safe for transportation by the Bureau of Explosives before shipments (except samples for this examination not exceeding 5 pounds net in weight) can be accepted. For this purpose a new explosive is defined to be the product of a new factory, or an explosive of an essentially new composition made by an old factory.

1532. Leaking or damaged packages of explosives must not be shipped. Should any package of high explosives when offered for shipment show excessive dampness, or be mouldy, or show outward signs of any oily stain, or other indication that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry, the packages must be refused in every instance. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substance. In case of doubt, the package must be rejected. A shipment of dynamite is liable to cause a disaster in spite of careful handling; and storage, especially in warm and damp magazines, tends to cause leakage. Carriers must, for these reasons, examine with more than usual care all packages that have been stored or are offered for shipment during the summer months.

*Repacking of Dynamite.*

1533. Condemned dynamite must not be repacked and shipped unless the repacking is done by a competent person in the presence and with the consent of an inspector, or with the written authority of the Chief Inspector of the Bureau of Explosives.

*Disposition of Injured, Condemned and Stray Packages.*

1534. Packages found injured or broken in transit may be re-coopered when this is evidently practicable and not dangerous. A broken box of dynamite that cannot be

5 GEORGE V., A. 1915

must be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry and clean cotton waste, or elastic wads made from dry newspaper. A ruptured can or keg should be enclosed in a grain bag of good quality and boxed or crated. Injured packages thus protected and properly marked may be forwarded.

1535. Condemned packages of leaking dynamite should (1) be returned immediately to shipper if at point of shipment; or (2) disposed of to a dealer in dynamite or other person who is competent and willing to remove them from railway property, if leakage is discovered while in transit; or (3) removed immediately by consignee if shipment is at destination.

When disposition cannot be made as above, the leaking boxes must be packed in other boxes large enough to permit, and the leaking box must be surrounded by at least 2 inches of dry, fine sawdust, or dry and clean cotton waste, and be stored in station magazine, or other safe place, until arrival of the local inspector or other authorized person to superintend the destruction of the condemned material.

1536. When name and address of consignee are known an astray shipment must be forwarded to its destination by the most practicable route, provided a careful inspection shows the packages to be in proper condition for safe transportation. Revenue or other waybill must be prepared on which must be written or stamped "Astray shipment, inspected at

Station, Railway,

19 ."

When a package in an astray shipment is not in proper condition for safe transportation (see paragraph 1534), or when name and address of consignee are unknown, disposition will be made as prescribed by paragraph 1535.

#### *Group 2.—Black Powder.*

1541. *Packing.*—Packages containing less than 12½ pounds of rifle, sporting, blasting, or cannon powders must be inclosed in a tight box, with the filling holes of the packages up, and the boxes must be marked on top, as prescribed by paragraph 1544.

1542. Twelve and one-half pounds or over of black powder must be packed in packages that comply with General Rules E and F. Kegs less than 9 inches long must be boxed, as prescribed by paragraph 1541.

1543. *Weight.*—Packages must not weigh over 150 pounds gross.

1544. *Marking.*—Each outside package must be plainly marked, stamped, or stencilled to show the kind; "Black," and the use, "Blasting," "Rifle," "Cannon," "Mortar," etc., as "Black Blasting Powder," "Black Rifle Powder," etc. Additional marks, trade names, etc., may appear if desired by shipper.

1545. *Car.*—A car containing shipments of black powder in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

#### *Group 3.—High Explosives.*

1551. High explosives consisting of a liquid mixed with an absorbent material must have the absorbent (wood pulp or similar material) in sufficient quantity and of satisfactory quality, properly dried at the time of mixing; nitrate of soda must be dried at the time of mixing to less than one per cent of moisture; and the ingredients must be uniformly mixed so that the liquid will remain thoroughly absorbed under the most unfavourable conditions incident to transportation.

1552. Explosives containing nitro-glycerine must have uniformly mixed with the absorbent material a satisfactory antacid, which must be in quantity sufficient to have the acid neutralizing power of an amount of magnesium carbonate equal to 1 per cent of the nitro-glycerine.

## SESSIONAL PAPER No. 20c

1553. *Packing*.—High explosives containing more than 10 per cent of nitro-glycerine must be made into cartridges not exceeding 4 inches in diameter or 8 inches in length (does not apply to gelatine dynamite), and must not be packed in bags or sacks. Bags or sacks of high explosives containing not more than 10 per cent of nitro-glycerine, and not over  $12\frac{1}{2}$  pounds each of explosive, must be shipped as cartridges, but these bags must be strong, and must be placed in a box with filling ends up. The covering of all cartridges consisting of paper or other material must be strong, and so treated that it will not absorb the liquid constituent of the explosive.

1554. All boxes in which cartridges containing nitro-glycerine are packed must be lined with a suitable material that is impervious to liquid nitro-glycerin. Cardboard cartons, closed at the bottom, and made of strong and flexible material that is impervious to nitro-glycerine, form a satisfactory lining. At least one-quarter of an inch of dry sawdust or similar material must be spread over the bottom of the box before inserting the cartridges, and all the vacant space in the top must be filled with this material. The cartridges, except the bags or sacks authorized in paragraph 1553, must be so arranged in the boxes that when they are transported with the boxes top side up, all cartridges will lie on their sides and never on their ends.

1555. Inside packages containing not more than one pound each of dry nitro-cellulose, wrapped in strong paraffined paper or other suitable spark-proof material, will be accepted for shipment if securely packed in an outside package that complies with requirements of paragraph 1557, and is marked as prescribed in paragraph 1559. Outside packages must not contain more than 10 pounds of dry nitro-cellulose.

1556. High explosives containing no explosive liquid ingredient, and not having with their normal percentage of moisture, a sensitiveness to percussion greater than measured by the blow delivered by an 8-pound weight dropping from a height of 5 inches on a compressed pellet of the explosive three-hundredths of an inch in thickness and two-tenths of an inch in diameter held rigidly between hard steel surfaces as in the standard impact-testing apparatus of the Bureau of Explosives, may be shipped when securely packed in bulk. Wooden boxes and kegs must be provided with suitable linings to prevent leakage. These explosives may also be packed in cartridges, and must be so packed when their sensitiveness is greater than the above limit. When the addition of not less than 20 per cent of water to any such explosive will make it non-explosive, according to tests made by the Bureau of Explosives, the wet material may be shipped and handled in transit as prescribed by Regulations for the Transportation of Dangerous Articles other than Explosives by Freight.

1557. Boxes containing any high explosives, and having a gross weight not exceeding 75 pounds, must be made of sound lumber, free from holes or loose knots, and when made with lock corners must be not less than one-half inch in thickness. When nailed boxes are used the ends must be not less than one inch thick. (The limits for thickness refer to the finished box, and not to the undressed lumber).

Packages containing any high explosive must also fulfil the requirements of General Rules E and F.

1558. *Weights*.—High explosives containing an explosive liquid ingredient must not exceed 75 pounds, gross weight, in one outside package.

High explosives containing no liquid explosive ingredient, as defined in paragraph 1556, must not exceed 125 pounds, gross weight, in one outside package.

The gross weight of an outside package containing dry nitro-cellulose, packed as prescribed in paragraph 1555, must not exceed 35 pounds.

1559. *Marking*.—Boxes must be plainly marked on top and on one side or end, and kegs must be marked on one end, "High Explosive—Dangerous" in letters not less than seven-sixteenths of an inch in height. The top of boxes must be marked "This side up."

1560. *Car*.—For shipments of high explosives in any quantity the car must be certified and placarded as prescribed by paragraphs 1661 and 1666.



*Group 4.—Smokeless Powders.*

## Smokeless Powder for Cannon.

1571. *Packing*.—Smokeless powder for cannon must be packed in tight boxes free from loose knots and cracks, in barrels, or in kegs, that comply with General Rules E and F. Smokeless powder for cannon may be packed in water in strong barrels of the type used for alcohol.

1572. *Weight*.—Packages must not weigh over 165 pounds gross unless packed in water.

1573. *Marking*.—Each package must be plainly marked on top "Smokeless Powder for Cannon."

1574. *Car*.—Smokeless powder for cannon may be shipped in any box car in good condition. The car must be placarded "inflammable" as prescribed by paragraph 1663.

## Smokeless Powder for Small-arms.

1575. *Packing*.—Packages of less than 9 pounds of smokeless powder for small-arms must be inclosed in a tight box so that the filling hole of each inside package will be up, and the box must be marked on top as prescribed by paragraph 1578.

1576. Quantities of 9 pounds or over must be placed in packages that comply with General Rules E and F. Kegs less than 9 inches long must be boxed as prescribed by paragraph 1541.

1577. *Weight*.—Packages must not weigh over 150 pounds gross.

1578. *Marking*.—Each outside package must be plainly marked on top "smokeless powder for small-arms."

1579. *Car*.—Shipments of smokeless powder for small-arms, in any quantity, require a car to be certified and placarded as prescribed by paragraphs 1661 and 1666.

*Group 5.—Fulminate.*

1591. *Packing*.—Fulminate of mercury in bulk must contain when packed not less than 25 per cent of water, and must, in this wet condition, be placed in a bag made of heavy cotton cloth of close mesh equal in quality and weight to the cotton twill used for pockets in high-grade clothing. There must be placed inside the bag and over the fulminate a cap of the same cloth and of the diameter of the bag, and the bag must be tied securely and placed in a strong grain bag which must, in turn, be tied securely and packed in the centre of a cask, or barrel in good condition, and of the kind used for shipment of alcohol. The grain bag must not contain more than 150 pounds dry weight of fulminate, and it must be surrounded on all sides by tightly packed sawdust not less than 6 inches thick. The cask or barrel must be lined with a heavy close-fitting jute bag closed by secure sewing to prevent escape of sawdust. After the barrel is properly coopered it must be filled with water and the bung seated. The barrel must be inspected carefully and all leaks stopped.

1592. *Marking*.—Each cask or barrel must be plainly marked "wet fulminate of mercury—dangerous."

1593. *Car*.—A car containing fulminate in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

*Group 6.—Ammunition.*

## Small-arms Ammunition.

1691. *Packing*.—Small-arms ammunition must be packed in pasteboard or other boxes, and these boxes must be packed in strong outside boxes.

Small-arms ammunition in pasteboard or other boxes, and in quantity not exceeding a gross weight of 75 pounds, may be packed with non-explosive and non-inflammable articles, and with small-arms primers or percussion caps (see par. 1619), provided the outside package is marked as prescribed in paragraph 1602.

## SESSIONAL PAPER No. 20c

1602. *Marking*.—Each outside package or case must be plainly marked “small-arms ammunition.”

1603. *Car*.—No restrictions, other than proper packing and marking, are necessary for the shipment of small-arms ammunition.

## Ammunition for Cannon.

1604. *Packing*.—Ammunition for cannon must be well packed and properly secured in strong boxes.

1605. *Marking*.—Each outside package must be plainly marked “ammunition for cannon with explosive projectiles,” or “ammunition for cannon with empty projectiles,” or “ammunition for cannon with sand-loaded projectiles,” according as the projectiles do or do not contain a bursting charge, or “ammunition for cannon without projectiles.”

1606. *Car*.—A car containing ammunition for cannon with explosive projectiles must be certified and placarded as prescribed by paragraphs 1661 and 1666. This is not required when explosive projectiles are not included, but in this case cars must be protected by, the “inflammable” placard, as prescribed by paragraph 1663.

## Explosive Projectiles.

1607. *Packing*.—Explosive projectiles must be packed in strong boxes, and each projectile must be properly secured.

1608. *Weight*.—The gross weight of a box containing more than one projectile must not exceed 160 pounds.

1609. *Marking*.—Each exterior package must be plainly marked “Explosive Projectile,” “Sand-loaded Projectile,” or “Empty Projectile.” No restrictions, other than proper marking, are necessary for the shipment of sand-loaded projectiles, or empty (including solid) projectiles.

1610. *Car*.—For explosive projectiles in any quantity the car must be certified and placarded as prescribed by paragraphs 1661 and 1666.

## Blasting Caps.

1611. *Packing*.—Blasting caps contain such a sensitive and dangerous explosive that very efficient packing is necessary.

(a) Blasting caps must be packed in strong tin receptacles, in which they must fit snugly, and the caps must be closed securely by teats projecting from a plate of suitable elastic material placed inside the box and over the caps. Not more than 100 blasting caps may be packed in a single tin box. All separate tin boxes must then be packed snugly in cartons or wrappings made of paper or pasteboard.

(b) For not more than 1,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber not less than three-eighths of an inch in thickness, and they must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material.

(c) For not more than 5,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber at least one-half inch thick; and they must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material.

(d) For more than 5,000 caps the tin boxes, in cartons or wrappings, must be packed in an outside box made of sound lumber not less than three-eighths of an inch in thickness, or in a hermetically sealed metal box made of not less than 30 gauge United States standard. This inside wooden or metal box must then be packed in an outside box made of sound lumber not less than one inch in thickness. Tightly packed sawdust, excelsior, or equivalent cushioning material at least one inch thick at all points must separate the inside box from the outside wooden box.

(c) More than 20,000 blasting caps must not be placed in one outside package.  
 (d) Five tin boxes containing not more than 100 caps in each box may be packed with safety fuse, each box to be placed in the centre of a coil of fuse, and in this case the outside box may be made of sound lumber of not less than three-eighths inch thick, and must be marked as prescribed in paragraph 1648.

(g) Electric blasting caps must be packed in pasteboard cartons containing not more than 50 caps each. These cartons must be packed in a wooden box made of lumber not less than one-half inch in thickness.

1612. *Weight*.—The gross weight of an outside package containing blasting caps, or electric blasting caps, must not exceed 150 pounds.

1613. *Marking*.—Each outside package must be plainly marked "(number) Blasting Caps—Handle Carefully," or "(number) Electric Blasting Caps—Handle Carefully." In addition each box must bear the marking, "Do not Store or Load with any high Explosive." (See also par. 1648 for marking when packed with safety fuse.)

1614. *Car*.—Certificate and placard, as prescribed by paragraphs 1661 and 1666, are required for shipments of blasting caps in any quantity, except that not more than 500 blasting caps, or 500 electric blasting caps, may be transported in a box car in good condition without car certificates or placard.

#### Detonating Fuses.

1615. *Packing*.—Detonating fuses must be packed in strong, tight boxes, and each fuse must be well secured.

1616. *Weight*.—The gross weight of one outside package must not exceed 150 pounds.

1617. *Marking*.—Each outside package must be plainly marked "Detonating Fuses—Handle Carefully."

1618. *Car*.—A car containing detonating fuses in any quantity must be certified and placarded as prescribed by paragraphs 1661 and 1666.

#### Primers, Percussion and Time Fuses.

1619. *Packing*.—Primers, percussion and time fuses must be packed in strong, tight boxes, with special provision for securing individual packages of primers and fuses against movement in the box.

Small-arms primers containing anvils must be packed in cellular packages with partitions separating the layers and columns of primers, so that the explosion of a portion of the primers in the completed shipping package will not cause the explosion of all of the primers.

Percussion caps may be packed in metal or other boxes containing not more than 500 caps, but the construction of the cap, and the kind and quantity of explosives in each, must be such that the explosion of a part of the caps in the completed shipping package will not cause the explosion of all of the caps.

Small-arms primers and percussion caps may form a part of the gross weight of 75 pounds of small-arms ammunition that may be packed with other articles as authorized by paragraph 1601.

1620. *Weight*.—The gross weight of one outside package must not exceed 150 pounds.

1621. *Marking*.—Each outside box must be plainly marked "Small-Arms Primers—Handle Carefully," or "Percussion Caps—Handle Carefully," or "Cannon Primers—Handle Carefully," or "Combination Primers—Handle Carefully," or "Percussion Fuses—Handle Carefully," or "Combination Fuses—Handle Carefully," or "Percussion Tracer Fuses—Handle Carefully," etc.

1622. No restrictions other than proper packing and marking are necessary for the shipment of primers, percussion and time fuses.



SESSIONAL PAPER No. 20c

## GROUP 7.—FIREWORKS.

## Common Fireworks.

1641. *Packing*.—Common fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade, and must be securely packed in strong, tight, spark-proof wooden boxes or barrels that comply with General Rules E and F.

1642. *Marking*.—Each outside package must be plainly marked "Common Fireworks—Keep Fire Away."

1643. *Car*.—Common fireworks may be shipped in a box car which is in good condition (see par. 1663), but they must not be loaded in the same car with explosives. (See par. 1680.)

A car containing any quantity of common fireworks must be protected by the "Inflammable" placard. (See par. 1663.)

## Special Fireworks.

1644. *Packing*.—Special fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade, and must not contain forbidden fireworks. (See par. 1501 (f) to (k) inclusive.) All outside boxes or barrels must be spark-proof, and must comply with General Rules E and F.

Lock-corner boxes must be made of sound lumber, tongued and grooved, and the thickness must not be less than three-eighths inch for a gross weight of 30 pounds or under; and for a gross weight exceeding 30 pounds and not exceeding 65 pounds the ends must be not less than nine-sixteenths inch, with sides, tops, and bottoms three-eighths inch thick. When the gross weight exceeds 65 pounds the ends must be battened.

If nailed boxes are used of the same thickness of lumber specified for lock-corner boxes, horizontal and vertical cleats not less than three-fourths of the thickness of the ends, and not less than  $\frac{3}{4}$  inches wide, must be used on the ends; or in the absence of such cleats the tops, sides, and bottoms must be thicker by three-sixteenths inch, and the ends thicker by one-fourth inch, than specified for lock-corner boxes.

All boxes must be tongued and grooved.

1645. *Weight*.—The gross weight of one outside package containing special fireworks must not exceed 200 pounds, and the gross weight of a package containing toy torpedoes must not exceed 65 pounds.

1646. *Marking*.—Each outside package containing special fireworks, or a mixture of common and special fireworks, must be plainly marked "Special Fireworks—Handle Carefully—Keep Fire Away."

1647. *Car*.—Special fireworks may be shipped in any box car which is in good condition (see par. 1663), but they must not be loaded in the same car with explosives (see par. 1680). A car containing any quantity of special or other fireworks must be protected by the "Inflammable" placard. (See par. 1663.)

## Safety Fuse and Safety Squibs.

1648. Safety fuse and safety squibs must be packed in strong wooden boxes or barrels, properly marked, and may be loaded in any car with any other kind of an explosive or inflammable substance, or with other freight.

When blasting caps are packed with safety fuse [see par. 1611 (f)] the outside package must be made of lumber not less than three-eighths inch thick, and must be marked "(number) BLASTING CAPS PACKED WITH SAFETY FUSE," "DO NOT LOAD OR STORE WITH ANY HIGH EXPLOSIVE," as prescribed by paragraph 1613.

## SECTION 3.—SELECTION AND PREPARATION OF CARS.

1661. The safe transportation of explosives depends very largely upon the kind and condition of the car in which they are loaded.

For the transportation of carloads or less than carload lots of—

Black powder,  
 High explosives,  
 Smokeless powder for small-arms,  
 Wet fulminate of mercury,  
 Blasting caps, (excepting a shipment of not more than 500 blasting  
 Electric blasting caps, (caps or 500 electric blasting caps. (See par. 1614.)  
 Ammunition for cannon with explosive projectiles,  
 Explosive projectiles, or  
 Detonating fuses,

only certified and placarded box cars may be used. (See par. 1662, 1665, and 1666.)

1662. Certified cars must be inspected inside and outside, and must conform to the following specifications:

(a) Not less than 60,000 pounds capacity. Steel underframe box cars or other box cars with friction draft gear should be used when available. On narrow-gauge and other railroads, all of whose freight cars are of less than 60,000 pounds capacity, explosives may be transported in cars of less than that capacity, provided the available cars of greatest capacity and strength are used for this purpose.

(b) Must be equipped with air brakes and hand-brakes in condition for service.

(c) Must have no loose boards or cracks in the roof, sides, or ends.

(d) The doors must shut so closely that no sparks can get in at the joints, and,

(d) The doors must shut so closely that no sparks can get in at the joints, and, when necessary, they must be stripped. The stripping for flush doors should be on the inside and be nailed to the door frame, where it will form a shoulder against which the closed door is pressed. The openings under the doors should be similarly closed. When doors are not stripped the hasp fastenings must be examined with doors closed and fastened, and must be cleated when necessary to prevent door shifting.

(e) The journal boxes and trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hot boxes, or other failure, necessitating the setting off of the car before reaching destination. The lids or covers of journal boxes must be in place.

(f) The car must be carefully swept out before it is loaded. Holes in the floor or lining must be repaired, and special care taken to have no projecting nails or bolts, or exposed pieces of metal, which may work loose, or produce holes in packages of explosives during transit.

(g) When the car is to be fully loaded with explosives, or when explosives are loaded over exposed draft bolts or kingbolts, these bolts must have short pieces of solid, sound wood (2 inch plank) spiked to the floor over them to prevent possibility of their wearing into the packages of explosives.

(h) The roof of the car must be carefully inspected from the outside for decayed spots, especially under or near the running board, and such spots must be covered to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, must not be used.

(i) When explosives are to be carried in a "way car"<sup>1</sup> one should be selected with flush doors in good condition, or with doors fitting so tightly that stripping will not be necessary.

(k) The carrier must have car examined to see that it is properly prepared, and must have a "Car certificate" signed in triplicate upon the prescribed form (see par. 1665) before permitting the car to be loaded.

<sup>1</sup> A "way car" is one from which shipments are unloaded by the train crew.

## SESSIONAL PAPER No. 20c

(l) Cars not in proper condition, as above specified, must not be furnished to the shipper, or used for the transportation of explosives.

1663. (a) Carloads or less than carload lots of—

Ammunition for cannon with empty projectiles,  
Ammunition for cannon with sand-loaded projectiles,  
Ammunition for cannon without projectiles,  
Smokeless powder for cannon, or  
Fireworks,

may be loaded in any box car which is in good condition into which sparks cannot enter, and whose roof is not in danger of taking fire through unprotected decayed wood.

These cars do not require the car certificate, but must have attached to both sides and both ends the "INFLAMMABLE" placard prescribed by paragraph 1698, and the doors must be stripped when necessary.

(b) Carloads or less than carload lots of—

Small arms ammunition,  
Primers,  
Percussion fuses,  
Time or combination fuses,  
Safety fuse and safety squibs,

may be loaded in any box car which is in good condition, without car certificate or placards.

#### Placarding of Cars and Certification of Contents.

1664. Uniform practice is important, and the prescribed forms of car certificates and placards must be used.

1665. *Car Certificate*.—The following certificate (prescribed by par. 1662 k) printed on strong tagboard measuring 7 by 7 inches, must be duly executed in triplicate by the carrier, and by the shipper if he loads the shipment. The original must be filed by the carrier at the forwarding station on a separate file, and the other two must be attached to the outside of the car doors, one on each side, the lower edge of the certificate  $4\frac{1}{2}$  feet above the floor level.

#### Car Certificates.

No. 1. ....Station.....19..

I hereby certify that I have this day personally examined.....car No....., and that the roof and sides have no loose boards, holes, or cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the kingbolts or draft bolts are properly protected, and that there are no uncovered irons or nails projecting from the floor or sides of the car which might injure packages of explosives; also that the floor is in good condition and has this day been cleanly swept before the car was loaded; that I have examined all the axle boxes and that they are properly covered, packed and oiled, and that the air brakes and hand brakes are in condition for service.

.....

.....

No. 2. ....Station.....19..

I hereby certify that I have this day personally examined the above car; that the floor is in good condition and has been cleanly swept, and that the roof and sides have no loose boards, holes, cracks, or unprotected decayed spots liable to hold sparks and start a fire; that the king bolts and draft bolts are protected, and that there are no uncovered irons or nails projecting from the floor or sides of the car which might



5 GEORGE V., A. 1915

injure packages of explosives; that the explosives in this car have been loaded and stayed, and that the car has been placarded according to paragraphs 1661, 1666, and 1671 to 1683 inclusive, of the Regulations for the Transportation of Explosives prescribed by the Board of Railway Commissioners for Canada; that the doors fit or have been stripped so that sparks cannot get in at the joints or bottom.

NOTE.—Both certificates must be signed. Certificate No. 1 by the representative of the carrier. For all shipments loaded by the shipper, he or his authorized agent must sign certificate No. 2, and the representative of the carrier must certify as to loading and staying and general condition. When the car is not loaded by shipper, certificate No. 2 must be signed only by the representative of the carrier. A shipper should decline to use a car not in proper condition.

1666. *Placard.*—Each car containing any of the explosives specified in paragraph 1661 in any quantities, excepting a shipment of not more than 500 blasting caps or 500 electric blasting caps (see par. 1614), must be protected by attaching to the outside of the car on both sides and ends, the lower edge  $4\frac{1}{2}$  feet above the car floor, a standard placard 12x14 inches, on which will appear in conspicuous red and black printing on strong tag board the following notice:

..... R.....Company

EXPLOSIVES.

(To be printed in red.)

HANDLE CAREFULLY.

KEEP FIRE AWAY.

(To be printed in red.)

.....Station..... 19..

### *Condensed rules for handling this car.*

1. This car must not be placed in a passenger train, nor in a mixed train.
2. Cars containing explosives must be near centre of train, and may be together if desired; and must be at least 15 cars from engine and 10 cars from caboose when length of train will permit.
3. Cars containing explosives must not be placed next to cars bearing the inflammable or the acid placard, or cars containing lighted heaters. Whenever it is possible to avoid so doing they must not be placed next to tank cars or flat cars, or next to carloads of lumber, poles, iron, pipe, or other articles liable to break through end of car from rough handling.
4. The air and hand brakes on this car must be in service.
5. In shifting, have a car between this car and engine wherever possible, and do not cut this car off while in motion.
6. Avoid all shocks to this car, and couple carefully.
7. Avoid placing it near a possible source of fire.
8. Engines on parallel track must not be allowed to stand opposite or near this car when it can be avoided.
9. This placard must be removed from car when the explosives are unloaded.

1667. A car containing any of the explosives (as prescribed in par. 1661) must not be permitted to leave a station or siding without having the certificates and placard prescribed in paragraphs 1665 and 1666 securely and properly affixed.

## SESSIONAL PAPER No. 20c

1668. (a) *Shipper's Certificate*.—The shipping order for any package containing an explosive named below must show each article under its proper name as specified in this paragraph, and must show in the lower left-hand corner over the signature of the shipper, or of his duly authorized agent, written or stamped (not printed) with facsimile stamp, the following certificate;

"This is to certify that the above articles are properly described by name, and are packed, marked, and are in proper condition for transportation, according to the regulations prescribed by the Board of Railway Commissioners for Canada."

*List of Shipping Names.*

Black powder.

High explosives.

Smokeless powder for cannon.

Smokeless powder for small-arms.

Wet fulminate of mercury.

Ammunition for cannon with explosive projectiles.

Ammunition for cannon with empty projectiles.

Ammunition for cannon with sand-loaded projectiles.

Ammunition for cannon without projectiles.

Explosive projectiles.

Detonating fuses.

(Number) blasting caps.

(Number) blasting caps with safety fuse.

(Number) electric blasting caps.

Common fireworks.

Special fireworks.

(b) *Waybilling*.—The carrier must see that the shipment is properly described on the revenue waybill under one of the above names, and that the correct gross weight is given.

The revenue waybill, card waybill, and envelope containing revenue waybill when used as a card waybill, for a car containing any quantity of the explosives named in paragraph 1661, except a shipment of blasting caps or electric blasting caps not exceeding 500 caps, must have plainly stamped or plainly written across the top the word "EXPLOSIVES" in letters not less than three-eighths of an inch high.

1669. (a) If shipments of explosives named in paragraph 1661 are accepted at non-agency stations, provision must be made for the proper certification and placarding of cars, examination of shipments, and loading and staying of packages in cars.

(b) Shipments of explosives named in paragraph 1661 must not be unloaded at non-agency stations unless the consignee is there to receive them, or unless proper storage facilities are provided at that point for their protection.

*Shipments from Connecting Lines.*

1670. Cars containing explosives as specified in paragraph 1661 which are offered by connecting lines must be carefully inspected, without unnecessary disturbance of lading by the receiving line, to see that these regulations have been complied with, and the car must not be forwarded until all discovered violations are corrected. (See General Rule G.)

Shipments of explosives offered by connecting lines must comply with these regulations, and the revenue waybill, freight bill, manifest of lading, card waybill, switching order, or other billing, must bear the indorsement prescribed by paragraph 1663.

*Handling of Explosives.*

1671. In handling packages of explosives at stations, and in transferring them to and from cars, the greatest care must be taken, and shocks or falls liable to injure the

containing package must be avoided. Where an inclined chute is employed, such chute must be constructed of 1-inch planed boards, with side guards 4 inches high extending 1 inch above top face of bottom of chute and throughout its length, fastened with cross screws. D-shaped strips or runners, not more than 6 inches apart and running lengthwise of chute, must be fastened to the upper surface of the bottom board by means of glue and wooden pegs extending through the bottom board and runners. Chutes must be occasionally wiped down with waste moistened with machine oil when dynamite packages are being handled.

A stuffed mattress, 4 feet wide by 6 feet long and not less than 4 inches thick, or a heavy jute or hemp mat of like dimensions, must be placed under the discharging end of the chute.

1672. Careful men must be chosen to handle explosives; the platform and the feet of the men must be as free as possible from grit, and all possible precautions must be taken against fire. Unauthorized persons must not be allowed to have access to explosives at any time while they are in the custody of the carrier. Suitable provisions must be made, outside of the station when practicable, for the safe storage of explosives, and every effort possible must be made to reduce the time of this storage. If a shipment of explosives is not removed within 48 hours after notice of arrival at destination (see General Rule D), it must be disposed of by returning it to the shipper, or by storage at the expense of the owner, or by sale, or, when necessary to safety, by destruction under supervision of a competent person.

#### *Loading in Car.*

1674. Packages receive their greatest stresses in a direction parallel to the length of the car, and must be loaded so as to offer their greatest resistance in this direction. Boxes of explosives when loaded in the car must rest on their bottoms, and with the long dimension parallel to the length of the car. A car must not contain more than 70,000 pounds gross weight of explosives. This limit does not apply to shipments of ammunition.

1675. Explosives packed in round kegs, except when boxed, must be loaded on their side with heads towards ends of the car; and they must not be placed in the space opposite the doors, unless the doorways are boarded on the inside as high as the lading.

Large casks, barrels, or drums may be loaded on their sides or ends, as will best suit the conditions.

1676. Packages containing any of the explosives for the transportation of which a certified and placarded car is prescribed (see par. 1661) must be stayed (blocked and braced) by the one who loads the car, to prevent change of position by the ordinary shocks incident to transportation.<sup>1</sup> Special care must be used to prevent them from falling to the floor or from having anything fall on them, or slide against them, during transit. To prevent delays to way-freight trains, when there is more than one shipment of explosives loaded in a 'peddle' or 'way car,' each shipment must be stayed separately. Forwarding and transfer stations for explosives must be provided with the necessary materials for staying.

Shippers must furnish the material for staying packages loaded by them.

1677. Detonating fuses or blasting caps, or electric blasting caps, must not be loaded in a car or stored with high explosives of any kind, including explosive projectiles, nor with wet nitro-cellulose, nor with smokeless powder for small-arms.

1678. Fulminates in bulk must not be loaded with any explosive or inflammable article.

1679. When necessary, detonating fuses may be assembled in explosive projectiles shipped by the Dominion Government.

<sup>1</sup>For recommended methods see Bureau of Explosives. Pamphlet No. 6.



## SESSIONAL PAPER No. 20c

1680. Fireworks must not be loaded in the same car with any other explosive except small-arm ammunition, primers, percussion fuses, time or combination fuses, safety fuse, and safety squibs.

1682. Explosives covered by these regulations, other than fireworks, small-arms ammunition, primers, percussion fuses, time or combination fuses, safety fuses, or safety squibs, must not be transported in the same car with, nor stored on, railway property near any of the dangerous articles for which labels are prescribed by the Regulations for the Transportation of Dangerous Articles other than Explosives by Freight.

When practicable at any point, certain and separate days should be assigned for receiving from shippers less than carload lots of explosives named in paragraph 1661.

1683. In a car containing explosives all packages of other freight must be so loaded and stayed as to prevent injury to packages of explosives during transit. When it is possible explosives should be loaded so as to avoid transfer at stations.<sup>1</sup>

*Handling Cars Containing Explosives.*

Cars containing explosives of any kind must not be hauled in any passenger or mixed train.

1684. Every possible effort must be made to expedite the movement of cars containing explosives.

1685. The phrase "cars containing explosives" as used in this and subsequent paragraphs, excepting paragraph 1697, refers to the explosives specified in paragraph 1661.

1686. Cars containing explosives must be placed near the middle of the train, and two or more such cars may be placed together if desired. They must be at least 15 cars from the engine and 10 cars from the caboose when length of train will permit.

In local freight trains, to avoid the danger of otherwise unnecessary switching at way stations, cars containing explosives may be placed not closer than the second car from the caboose or the second car from the engine.

1687. Cars containing explosives must have air and hand brakes in service. They must not be placed next to cars bearing the inflammable or the acid placard, or cars containing lighted heaters. Whenever it is possible to avoid so doing they must not be placed next to tank cars or flat cars, or next to carloads of lumber, poles, iron, pipe, or other articles liable to break through end of car from rough handling.

1688. When hauling cars containing explosives in yards or on sidings, they must, if it is practically possible, be coupled to the engine protected by a car between, and they must never be cut off while in motion.

They must be coupled carefully, and all unnecessary shocks must be avoided. Other cars must not be allowed to strike a car containing explosives. They must be so placed in yards, or on sidings, that they will be subject to as little handling as possible, and be removed from all danger of fire; and, when avoidable, engines on parallel tracks must not be allowed to stand opposite or near them.

1689. Under no circumstances must a car known to require the "EXPLOSIVE" placard be taken from a station, including transfer stations, or a siding, unless it is properly carded in accordance with paragraphs 1661 and 1666; nor unless the car is in proper condition.

1690. When a car containing explosives is in a train, the carrier must make proper provision for notifying its train and engine employees of the presence and location of such car in the train before leaving the initial station.

1691. Such cars must be frequently inspected to see that the carding is intact. Whenever any of these cards become detached or lost in transit they must be replaced on arrival at the next division terminal yard.

<sup>1</sup> At stations where it is necessary to handle explosives at night it is recommended that incandescent electric lights be provided.

1692. Unless otherwise arranged for, when a car containing explosives is to be transferred, unloaded, or stored for any purpose, at a given junction, station, or yard, the carrier must provide for due notice, by wire, to such station, of the probable time of arrival and the number of cars (not car numbers), in order that proper provision may be made at that point for handling the same.

1693. At points where trains stop, cars containing explosives and adjacent cars must be examined to see if they are in good condition, and free from hot boxes or other defects liable to cause damage. If cars containing explosives are set out short of destination for any cause the carrier must arrange that proper notice be given to prevent accident.

1694. Whenever a car containing explosives is opened for any purpose, inspection must be made of the packages of explosives to see that they are properly stowed and in good condition, and that no box of dynamite is standing on its end or side. Upon the discovery of leaking dynamite, or loose powder, the defective packages must be carefully removed to a safe place. Loose powder or other explosives must be swept up and carefully removed. If the floor is wet with nitro-glycerine, the car is unsafe to use, and a local inspector of the Bureau of Explosives should be immediately called to superintend the thorough mopping and washing of the floor with a warm, saturated solution of concentrated lye or sodium carbonate. If necessary, the car must be placed on an isolated siding and proper notice be given. (See pars. 1534 and 1535.)

1695. *Removal of Placards.*—The certificates and placards prescribed in paragraphs 1665 and 1666 must be removed from the car as soon as the explosives are unloaded.

#### *In case of a wreck.*

1697. In case of a wreck involving a car containing explosives, the first and most important precaution is to prevent fire. Although most of the group "High explosives" may burn in small amounts quietly and without causing a disastrous explosion, yet everything possible must be done to keep fire away. Before beginning to clear a wreck in which a car containing explosives is involved, all unbroken packages should be removed to a place of safety, and as much of the broken packages as possible be gathered up and likewise removed, and the rest should be saturated with water. Many explosives are readily fired by a blow, or by the spark produced when two pieces of metal or a piece of metal and a stone come violently together. In clearing a wreck, therefore, care must be taken not to strike fire with tools, and in using the crane or locomotive to tear the wreckage in pieces the possibility of producing sparks must be considered. With most explosives thorough wetting with water practically removes all danger of explosion by spark or blow; but with the dynamites wetting does not make them safe from blows. With all explosives, mixing with wet earth renders them safer from either fire, spark, or blow. In case fulminate has been scattered by a wreck; after the wreck has been cleared the top surface of the ground should be removed, and, after saturating the area with oil, be replaced, by fresh earth. If this is not done, when the ground and fulminate become dry, small explosions may occur when the mixed material is trodden on or struck.

#### *"Inflammable" placard.*

1698. A white placard of diamond shape, printed on strong tagboard measuring 15 inches on each diagonal, 10½ inches on each side, and bearing in red and black letters the following inscription, "INFLAMMABLE—KEEP LIGHTS AND FIRES AWAY—HANDLE CAREFULLY" must be placed on each outside end and side of a car containing any quantity of smokeless powder for cannon, or ammunition for cannon with empty projectiles, or ammunition for cannon with sand-loaded projectiles, or ammunition for cannon without projectiles, or fireworks.

SESSIONAL PAPER No. 20c

## EXCEPTION.

*Provided* that explosives packed in conformity with the laws of the United Kingdom of Great Britain and Ireland relating thereto, and handled, loaded and carried, by routes entirely within Canada, in accordance with the regulations hereinbefore prescribed, may be carried from the Canadian port of importation to their destination in Canada, or through Canada "en route" to a foreign country other than the United States of America; also from the Canadian destinations aforesaid by re-shipment, or from the place of manufacture in Canada, if consigned in either case to a foreign country other than the United States of America.

## GENERAL ORDER No. 101.

SATURDAY, the 1st day of February, 1913.

In the matter of the application of the Sanitaris, Limited, of Arnprior, White & Company of Toronto, the Board of Trade of the City of Hamilton, and others, for an Order directing railway companies to furnish during cold weather heated cars for the carriage of perishable freight: File 18855.

Whereas, by order of the board No. 15819, dated January 18, 1912, all railway companies subject to the jurisdiction of the Parliament of Canada were directed forthwith to re-establish the system or systems in practice by them, during the winter of 1910-11, of carrying less than carload lots in heated cars, and to grant to all shippers the rights and privileges of such shipping facilities in respect to such traffic as were in force upon their various lines during the said winter, until further order, or until the reasonableness of the withdrawal of such facilities could be passed upon by the board.

And whereas, by general order No. 98, dated the 6th day of December, 1912, railway companies subject to the jurisdiction of the board, operating in Eastern Canada, were required to furnish to any shipper a heated refrigerator car, or cars, for the carriage during cold weather of fruit, vegetables, and eggs, in less than carload quantities, subject to certain conditions specified in the order.

And whereas the Canadian Pacific Railway Company interprets the said general order as superseding the said order No. 15819, and has discontinued the heated car service in respect of freight shipments not specifically provided for in the general order, and notwithstanding the fact that it has been notified, under the direction of the board, that the intention of the said general order was not in any way to cancel or supersede the provisions of the previous order, the company refuses to carry out the terms of the said order No. 15819.

Now therefore the board orders and declares that the said general order No. 98 shall not be taken or construed as in substitution for, or in cancellation of, the said order No. 15819, but as in addition thereto; and the Canadian Pacific Railway Company is hereby directed forthwith to comply with and carry out the terms and requirements of the said order No. 15819, dated January 18, 1912.

H. L. DRAYTON,  
*Chief Commissioner.*

File No. 11654:

## GENERAL ORDER No. 102.

Monday, the 17th day of February, A.D. 1913.

In the matter of sections 264 and 268 of the Railway Act, and the question of standardizing safety appliance equipment to conform to the requirements of the Interstate Commerce Commission.

In pursuance of the powers conferred on the board by sections 30, 264 and 268 of the Railway Act, and of all other powers possessed by it in that behalf; upon the



5 GEORGE V., A. 1915

report and recommendation of its operating officers, made after consultation with representatives of the Grand Trunk, Canadian Northern, Canadian Pacific, and New York Central Railway Companies, and the Michigan Central Railroad Company; and after the hearing of the matter at sittings of the board held in the city of Ottawa, February 4, 1913, at which Counsel and representatives for the Canadian Pacific, Grand Trunk, New York Central, and Canadian Northern Railway Companies, and the Pere Marquette and Michigan Central Railroad Companies were present, the Brotherhood of Locomotive Engineers, Railway Conductors, Railway Trainmen, and Locomotive Firemen and Enginemen being represented at the hearing—

It is ordered,

1. That all railway equipment constructed or reconstructed subsequent to the first day of May, 1913, and used on railways owned or operated by companies within the legislative authority of the Parliament of Canada, be as set forth in the "Regulations With Respect to Railway Safety-Appliance Standards" made by the board and dated February 17, 1913.

2. That order of the board No. 6027, dated November 25, 1908, be rescinded; that order No. 8145, dated September 14, 1909, be amended by striking out the words, "its freight vans with coupler-operating levers, and", in the third and fourth lines of clause 1 of the operative part of the order; and that order No. 12225, dated November 9, 1910, be amended by striking out clause 3 of the said order.

3. That all such railway companies complete, by the 31st day of December, 1915, the work of reconstructing and standardizing their said equipment, so as to conform with the requirements herein approved and adopted.

H. L. DRAYAON,

*Chief Commissioner.*

#### REGULATIONS REGARDING RAILWAY SAFETY-APPLIANCE STANDARDS.

The following are, and shall be until further action by the board in relation thereto, the Safety-Appliance Standards for all railway equipment constructed or reconstructed subsequent to the 1st day of May, 1913, and used on railways owned or operated by companies within the legislative authority of the Parliament of Canada,—as per general order No. 102, dated the 17th day of February, 1913:—

#### BOX AND OTHER HOUSE CARS.

*Hand-brakes.*—Number: Each box or other house car shall be equipped with an efficient handbrake which shall operate in harmony with the power-brake thereon.

The hand-brake may be of any efficient design, but must provide the same degree of safety as the design shown on Plate A.

Dimensions: The brake-shaft shall be not less than one and one-fourth (1¼) inches in diameter, of wrought iron or steel without weld.

The brake-wheel may be flat or dished, not less than fifteen (15), preferably sixteen (16) inches in diameter, of malleable iron, wrought iron or steel.

Location: The hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on end of car, to the left of and not less than seventeen (17) nor more than twenty-two (22) inches from centre.

Manner of application: There shall be not less than four (4) inches clearance around rim of brake-wheel.

Outside edge of brake-wheel shall be not less than four (4) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill.

## SESSIONAL PAPER No. 20c

Top brake-shaft support shall be fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts or rivets. (See Plate A.)

A brake-shaft step shall support the lower end of brake-shaft. A brake-shaft step which will permit the brake-chain to drop under the brake-shaft shall not be used. U-shaped form of brake-shaft step is preferred. (See Plate A.)

Brake-shaft shall be arranged with a square fit at its upper end to secure the hand-brake wheel; said square fit shall be not less than seven-eighths ( $\frac{7}{8}$ ) of an inch square. Square-fit taper; nominally two (2) in twelve (12) inches. (See Plate A.)

Brake-chain shall be of not less than three-eighths ( $\frac{3}{8}$ ), preferably seven-sixteenths ( $\frac{7}{16}$ ), inch wrought iron or steel, with a link on the brake-rod end of not less than seven-sixteenths ( $\frac{7}{16}$ ), preferably one-half ( $\frac{1}{2}$ ), inch wrought iron or steel, and shall be secured to brake-shaft drum by not less than one-half ( $\frac{1}{2}$ ) inch hexagon or square-headed bolt. Nut on said bolt shall be secured by riveting end of bolt over nut. (See Plate A.)

Lower end of brake-shaft shall be provided with a trunnion of not less than three-fourths ( $\frac{3}{4}$ ), preferably one (1), inch in diameter extending through brake-shaft step and held in operating position by a suitable cotter or ring. (See Plate A.)

Brake-shaft drum shall be not less than one and one-half ( $1\frac{1}{2}$ ) inches in diameter. (See Plate A.)

Brake ratchet-wheel shall be secured to brake shaft by a key or square fit; said square fit shall be not less than one and five-sixteenths ( $1\frac{5}{16}$ ) inches square. When ratchet-wheel with square fit is used provision shall be made to prevent ratchet-wheel from rising on shaft to disengage brake-pawl. (See Plate A.)

Brake ratchet-wheel shall be not less than five and one-fourth ( $5\frac{1}{4}$ ) preferably five and one half ( $5\frac{1}{2}$ ), inches in diameter and shall have not less than fourteen (14), preferably sixteen (16) teeth. (See Plate A.)

If brake ratchet-wheel is more than thirty-six (36) inches from brake-wheel, a brake-shaft support shall be provided to support this extended upper portion of brake-shaft; said brake-shaft support shall be fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts or rivets.

The brake-pawl shall be pivoted upon a bolt or rivet not less than five-eighths ( $\frac{5}{8}$ ) of an inch in diameter, or upon a trunnion secured by not less than one-half ( $\frac{1}{2}$ ) inch bolt or rivet, and there shall be a rigid metal connection between brake-shaft and pivot of pawl.

Brake-wheel shall be held in position on brake-shaft by a nut on a threaded extended end of brake-shaft; said threaded portion shall be not less than three-fourths ( $\frac{3}{4}$ ) of an inch in diameter said nut shall be secured by riveting over or by the use of a lock nut or suitable cotter.

Brake-wheel shall be arranged with a square fit for brake-shaft in hub of said wheel; taper of said fit, nominally two (2) in twelve (12) inches. (See Plate A.)

*Brake-step.*—If brake-step is used, it shall be not less than twenty-eight (28) inches in length. Outside edge shall be not less than eight (8) inches from face of car and not less than four (4) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill.

Manner of application: Brake-step shall be supported by not less than two metal braces having a minimum cross-section area three-eighths ( $\frac{3}{8}$ ) by one and one-half ( $1\frac{1}{2}$ ) inches or equivalent, which shall be securely fastened to body of car with not less than one-half ( $\frac{1}{2}$ ) inch bolts or rivets.

*Running-Boards.*—Number: One (1) longitudinal running-board.

On outside metal-roof cars two (2) latitudinal extensions.

Dimensions: Longitudinal running-board shall be not less than eighteen (18) preferably twenty (20) inches in width.

Latitudinal extensions shall be not less than twenty-four (24) inches in width.

Location: Full length of car, centre of roof.

On outside metal-roof cars there shall be two (2) latitudinal extensions from longitudinal running-board to ladder locations, except on refrigerator cars where such latitudinal extensions can not be applied on account of ice hatches.

Manner of application: Running-boards shall be continuous from end to end and not cut or hinged at any point: Provided, that the length and width of running boards be made up of a number of pieces securely fastened to saddle-blocks with screws or bolts.

The ends of longitudinal running-board shall be not less than six (6) nor more than ten (10) inches from a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill; and if more than four (4) inches from edge of roof of car, shall be securely supported their full width by substantial metal braces.

Running-boards shall be made of wood and securely fastened to car.

*Sill-steps*.—Number: Six (6).

Dimensions: Minimum cross-sectional area one-half ( $\frac{1}{2}$ ) by one and one-half ( $1\frac{1}{2}$ ) inches, or equivalent, of wrought iron or steel.

Minimum length of tread, ten (10), preferably twelve (12) inches.

Minimum clear depth, eight (8) inches.

Location: One (1) near each end on each side of car, so that there shall be not more than eighteen (18) inches from end of car to centre of tread of sill-step. Also one (1) at each end of car centre of sill-step to be as nearly central with the ladder as possible.

Outside edge of tread of step shall be not more than four (4) inches inside of face of side of car, preferably flush with side of car.

Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Sill steps exceeding twenty-one (21) inches in depth shall have an additional tread.

Sill-steps shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Ladders*.—Number: Four (4).

Dimensions: Minimum clear length of tread: Side ladders sixteen (16) inches; end ladders fourteen (14) inches.

Maximum spacing between ladder-treads, nineteen (19) inches.

Top ladder-tread shall be located not less than twelve (12) nor more than eighteen (18) inches from roof at eaves.

Spacing of side ladder treads shall be uniform within a limit of two (2) inches from top ladder tread to bottom tread of ladder.

Maximum distance from bottom tread of side ladder to top tread of sill step, twenty-one (21) inches.

End ladder treads shall be spaced to coincide with treads of side ladders, a variation of two (2) inches being allowed. Where construction of car will not permit the application of a tread of end ladder to coincide with bottom tread of side ladder, the bottom tread of end ladder must coincide with second tread from bottom of side ladder.

Hardwood treads, minimum dimensions one and one-half ( $1\frac{1}{2}$ ) by two (2) inches.

Iron or steel treads, minimum diameter five-eighths ( $\frac{5}{8}$ ) of an inch.

Minimum clearance of treads, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: One (1) on each side, not more than eight (8) inches from right end of car; one (1) on each end, not more than eight (8) inches from left side of car; measured from inside edge of ladder-stile or clearance of ladder treads to corner of car.



## SESSIONAL PAPER No. 20c

Manner of application: Metal ladder without stiles near corners of cars shall have foot-guards or upward projections not less than two (2) inches in height near inside end of bottom treads.

Stiles of ladders, projecting two (2) or more inches from face of car, will serve as foot-guards.

Ladders shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets. Three-eighths ( $\frac{3}{8}$ ) inch bolts may be used for wooden treads which are gained into stiles.

*End-ladder clearance.*—No part of car above end-sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-wheel, brake-step, running-board or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block, or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

*Roof-handholds*—Number: One (1) over each ladder.

One (1) right-angle handhold may take the place of two (2) adjacent specified roof-handholds, provided the dimensions and locations coincide, and that an extra leg is securely fastened to car at point of angle.

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel. Minimum clear length, sixteen (16) inches.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: On roof of car: One (1) parallel to treads of each ladder, not less than eight (8) nor more than fifteen (15) inches from edge of roof, except on refrigerator cars where ice hatches prevent, when location may be nearer edge of roof.

Manner of application: Roof-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Side-handholds.*—Number: Four (4).

(*Tread of side-ladder is a side-handhold.*)

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches, preferably twenty-four (24) inches.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: Horizontal: One (1) near each end on each side of car.

Side-handholds shall be not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, except as provided above, where tread of ladder is a handhold. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

Manner of application: Side-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Horizontal end-handholds.*—Number: Eight (8) or more. (Four (4) on each end of car.)

(*Tread of end-ladder is an end-handhold.*)

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches, preferably twenty-four (24), inches.

A handhold fourteen (14) inches in length may be used where it is impossible to use one sixteen (16) inches in length.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: One (1) near each side on each end of car, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, except as provided above, when tread of end-ladder is an end-handhold. Clearance of outer end of handhold shall be not more than eight (8) inches from side of car.

One (1) near each side of each end of car on face of end-sill or sheathing over end-sill, projecting outward or downward. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

On each end of cars with platform end-sills six (6) or more inches in width, measured from end-port or siding and extending entirely across end of car, there shall be one additional end-handhold not less than twenty-four (24) inches in length, located near centre of car, not less than thirty (30) nor more than sixty (60) inches above platform end-sill.

Manner of application: Horizontal end-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Vertical End-handholds.*—Number: Two (2) on full-width platform end-sill cars, as heretofore described.

Dimensions: Minimum diameter five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel. Minimum clear length, eighteen (18), preferably twenty-four (24) inches.

Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: One (1) on each end of car opposite ladder, not more than eight (8) inches from side of car; clearance of bottom end of handhold shall be not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler.

Manner of application: Vertical end-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Uncoupling-levers.*—Number: Two (2).

Uncoupling-levers may be either single or double, and of any efficient design.

Dimensions: Handles of uncoupling-levers, except those shown on Plate B or of similar designs, shall be not more than six (6) inches from sides of car.

Uncoupling-levers of design shown on Plate B and of similar designs shall conform to the following prescribed limits:

Handles shall be not more than twelve (12), preferably nine (9), inches from sides of cars. Centre lift-arms shall be not less than seven (7) inches long.

Centre of eye at end of centre lift-arm shall be not more than three and one-half ( $3\frac{1}{2}$ ) inches beyond centre of eye of uncoupling-pin of coupler when horn of coupler is against the buffer-block or end-sill. (See Plate B.)

Ends of handles shall extend not less than four (4) inches below bottom of end-sill or shall be so constructed as to give a minimum clearance of two (2) inches around handle. Minimum drop of handles shall be twelve (12) inches; maximum, fifteen (15) inches over all. (See Plate B.)

Handles of uncoupling-levers of the "rocking" or "push-down" type shall be not less than eighteen (18) inches from top of rail when lock block has released knuckle, and a suitable stop shall be provided to prevent inside arm from flying up in case of breakage.

Location: One (1) on each end of car.

When single lever is used it shall be placed on left side of end of car.

#### HOPPER CARS AND HIGH-SIDE GONDOLAS WITH FIXED ENDS.

(Cars with sides more than thirty-six (36) inches above the floor are highside cars.)

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on end of car to the left of, and not more than twenty-two (22) inches from, centre.

Manner of application: Same as specified for "Box and other house cars."

## SESSIONAL PAPER No. 20c

*Brake-step.*—Same as specified for "Box and other house cars."

*Sill-steps.*—Same as specified for "Box and other house cars."

*Ladders.*—Number: same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars," except that top ladder-tread shall be located not more than four (4) inches from top of car.

Location: Same as specified for "Box and other house cars."

Manner of Application: Same as specified for "Box and other house cars."

*Side-handholds.*—Same as specified for "Box and other house cars."

*Horizontal end-handholds.*—Same as specified for "Box and other house cars."

*Vertical end-handholds.*—Same as specified for "Box and other house cars."

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

*End-ladder clearance.*—No part of car above end-sills within thirty (30) inches from side of car except buffer-block, brake-shaft, brake-wheel, brake-step or uncoupling lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

## DROP-END HIGH-SIDE GONDOLA CARS.

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars." Location: each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car to the left of centre. Manner of application: Same as specified for "Box and other house cars."

*Sill-steps.*—Same as specified for "Box and other house cars."

*Ladders.*—Number: Two (2). Dimensions: Same as specified for "Box and other house cars" except that top ladder-tread shall be located not more than four (4) inches from top of car.

Location: One (1) on each side, not more than eight (8) inches from right end of car, measured from inside edge of ladder-stile or clearance of ladder-treads to corner of car.

Manner of application: Same as specified for "Box and other house cars."

*Side-handholds.*—Same as specified for "Box and other house cars."

*Horizontal end-handholds.*—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

*End-ladder clearance.*—No part of car above end sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

## FIXED END, LOW-SIDE GONDOLA AND LOW-SIDE HOPPER CARS.

(Cars with sides thirty-six (36) inches or less above the floor are low-side cars.)

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

\*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."



*Location:* Each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car, to the left of and not more than twenty-two (22) inches from centre.

*Manner of application:* Same as specified for "Box and other house cars."

*Brake-step.*—Same as specified for "Box and other house cars."

*\*Sill-steps.*—Same as specified for "Box and other house cars."

*Side-handholds.*—Number: Same as specified for "Box and other house cars"

*Dimensions:* Same as specified for "Box and other house cars."

*Location:* Horizontal. One (1) near each end on each side of car, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, if car construction will permit, but handhold shall not project above top of side. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

*Manner of application:* Same as specified for "Box and other house cars."

*Horizontal end-handholds.*—Number: Same as specified for "Box and other house cars."

*Dimensions:* Same as specified for "Box and other house cars."

*Location:* One (1) near each side on each end of car not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, if car construction will permit. Clearance of outer end of handhold shall be not more than eight (8) inches from side of car. One (1) near each side of each end of car on face of end sill, projecting outward or downward. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

*Manner of application:* Same as specified for "Box and other house cars."

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

*End-ladder clearance.*—No part of car above end-sills within thirty (30) inches from side of car except buffer-block, brake-shaft, brake-step, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

#### DROP-END LOW-SIDE GONDOLA CARS.

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

*Dimensions:* Same as specified for "Box and other house cars."

*Location:* Each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car to the left of centre.

*Manner of application:* Same as specified for "Box and other house cars," provided that top brake shaft support may be omitted.

*\*Sill-steps.*—Same as specified for "Box and other house cars."

*Side-handholds.*—Number: Same as specified for "Box and other house cars."

*Dimensions:* Same as specified for "Box and other house cars."

*Location:* Horizontal. One (1) near each end on each side of car, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler, if car construction will permit, but handhold shall not project above top of side. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

*Manner of application:* Same as specified for "Box and other house cars."

*End-handholds.*—Number: Four (4).

*Dimensions:* Same as specified for "Box and other house cars."

*Location:* Horizontal. One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

*Manner of application:* Same as specified for "Box and other house cars."

\*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

## SESSIONAL PAPER No. 20c

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

*End-ladder clearance.*—No part of car above end sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

## FLAT CARS.

(Cars with sides twelve (12) inches or less above the floor may be equipped the same as flat cars.)

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on the end of car to the left of centre, or on side of car not more than thirty-six (36) inches from right hand end thereof.

Manner of application: Same as specified for "Box and other house cars."

\**Sill-steps.*—Same as specified for "Box and other cars."

*Side-handholds.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sill near each end. Clearance of outer end of handhold shall be not more than twelve (12) inches from end of car.

Manner of application: Same as specified for "Box and other house cars."

*End-handholds.*—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sill near each end. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

## TANK-CARS WITH SIDE-PLATFORMS.

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

\**Sill-steps.*—Same as specified for "Box and other house cars."

*Side-handholds.*—Number: Four (4) or more.

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sills near each end. Clearance of outer end of handhold shall not be more than (12) twelve inches from end of car. If side safety-railings are attached to tank or tank-bands, four (4) additional vertical handholds shall be applied, one (1) as nearly as possible over each sill-step and securely fastened to tank or tank-band.

Manner of application: Same as specified for "Box and other house cars."

\*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

*End-handholds.*—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

*Tank-head handholds.*—Number: Two (2). (*Not required if safety railing runs around ends of tank.*)

Dimensions: Minimum diameter five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel. Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches. Clear length of handholds shall extend to within six (6) inches of outer diameter of tank at point of application.

Location: Horizontal. One (1) across each head of tank not less than thirty (30) nor more than sixty (60) inches above platform.

Manner of application: Tank-head handholds shall be securely fastened.

*Safety-railings.*—Number: One (1) continuous safety-railing running around sides and ends of tank, securely fastened to tank or tank-bands at ends and sides of tank; or two (2) running full length of tank at sides of car supported by posts.

Dimensions: Not less than three-fourths ( $\frac{3}{4}$ ) of an inch, iron.

Location: Running full length of tank either at side supported by posts or securely fastened to tank or tank-bands, not less than thirty (30) nor more than sixty (60) inches above platform.

Manner of application: Safety-railings shall be securely fastened to tank-body, tank-bands or posts.

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

*End-ladder clearance.*—No part of car above end-sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-shaft brackets, brake wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

#### TANK CARS WITHOUT SIDE-SILLS AND TANK CARS WITH SHORT SIDE-SILLS AND END-PLATFORMS.

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while it is in motion.

The brake-shaft shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

*Running-boards.*—Number: One (1) continuous running-board around sides and ends; or two (2) running full length of tank, one (1) on each side.

Dimensions: Minimum width on sides, ten (10) inches. Minimum width on ends, six (6) inches.

Location: Continuous around sides and ends of cars. On tank cars having end platforms extending to bolsters, running-boards shall extend from centre to centre of bolsters, one (1) on each side.

Manner of application: If side running-boards are applied below centre of tank, outside edge of running-boards shall extend not less than seven (7) inches beyond bulge of tank.

The running-boards at ends of car shall be not less than six (6) inches from a point vertically above the inside face of knuckle when closed with coupler-horn against the buffer-block, end-sill or back-stop.

\* End Sill-steps, as specified for Box and other House Cars, are required for Box and Other House Cars "ONLY."



## SESSIONAL PAPER No. 20c

Running-boards shall be securely fastened to tank or tank-bands.

*\*Sill-steps.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) near each end on each side under side-handhold.

Outside edge of tread of step shall be not more than four (4) inches inside of face of side of car, preferably flush with side of car.

Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Same as specified for "Box and other house cars."

*Ladders.*—(If running-boards are so located as to make ladders necessary.)—

Number. Two (2) on cars with continuous running-boards.

Four (4) on cars with side running-boards.

Dimensions: Minimum clear length of tread ten (10) inches.

Maximum: Spacing of treads nineteen (19) inches.

Dimensions: Hard-wood treads, minimum dimensions, one and one-half ( $1\frac{1}{2}$ ) by two (2) inches.

Wrought iron or steel treads, minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: On cars with continuous running-boards, one (1) at right end of each side.

On cars with side running-boards, one (1) at each end of each running-board.

Manner of application: Ladders shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolt or rivets.

*Side-handholds.*—Number: Four (4) or more.

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) on face of each side-sill near each end on tank cars with short side-sills, or one (1) attached to top of running-board projecting outward above sill-steps or ladders on tank cars without side-sills. Clearance of outer end of handhold shall be not more than twelve (12) inches from end of car.

If side safety-railings are attached to tank or tank-bands four (4) additional vertical handholds shall be applied, one (1) as nearly as possible over each sill-step and securely fastened to tank or tank-band.

Manner of application: Same as specified for "Box and other house cars."

*End-handholds.*—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each side of each end of car on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Same as specified for "Box and other house cars."

*Tank-head handholds.*—Number: Two (2). [Not required if safety-railing runs around ends of tank.]

Dimensions: Minimum diameter five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches.

Location: Horizontal. One (1) across each head of tank not less than thirty (30) nor more than sixty (60) inches above platform on running-board. Clear length of handholds shall extend to within six (6) inches of outer diameter of tank at point of application.

Manner of application: Tank-head handholds shall be securely fastened.

*Safety-railings.*—Number: One (1) running around sides and ends of tank or two (2) running full length of tank.

Dimensions: Minimum diameter, seven-eighths ( $\frac{7}{8}$ ) of an inch, wrought iron or steel. Minimum clearance, two and one-half ( $2\frac{1}{2}$ ) inches.

Location: Running full length of tank, not less than thirty (30) nor more than sixty (60) inches above platform or running-board.

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\*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

5 GEORGE V., A. 1915

Manner of application: Safety-railings shall be securely fastened to tank or tank-bands and secured against end shifting.

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

*End-ladder clearance.*—No part of car above end-sills within thirty (30) inches from side of car, except buffer-block, brake-shaft, brake-shaft brackets, brake-wheel, running-boards or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or end-sill, and no other part of end of car or fixtures on same, above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

#### TANK CARS WITHOUT END-SILLS.

*Hand-brakes.*—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion. The brake-shaft shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

*Brake-step.*—Same as specified for "Box and other house cars."

*Running-boards.*—Number: One (1).

Dimensions: Minimum width on sides, ten (10) inches. Minimum width on ends, six (6) inches.

Location: Continuous around sides and ends of tank.

Manner of application: If running-boards are applied below centre of tank, outside edge of running-boards shall extend not less than seven (7) inches beyond bulge of tank. Running-boards at ends of car shall be not less than six (6) inches from a point vertically above the inside face of knuckle when closed with coupler-horn against the buffer-block, end-sill or back-stop. Running-boards shall be securely fastened to tank or tank-bands.

*Sill-steps.*—Number: Four (4). [*If tank has high running-boards, making ladders necessary, sill-steps must meet ladder requirements.*]

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) near each end on each side, flush with outside edge of running-board as near end of car as practicable. Tread not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Steps exceeding eighteen (18) inches in depth shall have an additional tread and be laterally braced. Sill-steps shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with one-half ( $\frac{1}{2}$ ) inch rivets.

*Side-handholds.*—Number: Four (4) or more.

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each end on each side of car over sill-step, on running-board, not more than two (2) inches back from outside edge of running-board, projecting downward or outward. Where such side-handholds are more than eighteen (18) inches from end of car, an additional handhold must be placed near each end on each side not more than thirty (30) inches above centre line of coupler. Clearance of outer end of handhold shall be not more than twelve (12) inches from end of car. If safety-railings are on tank, four (4) additional vertical handholds shall be applied, one (1) over each sill-step on tank.

Manner of application: Same as specified for "Box and other house cars."

*End handholds.*—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

## SESSIONAL PAPER No. 20c

Location: Horizontal. One (1) near each side on each end of car on running-board, not more than two (2) inches back from edge of running-board projecting downward or outward, or on end of tank not more than thirty (30) inches above centre line of coupler.

Manner of application: Same as specified for "Box and other house cars."

*Safety-railings*.—Number: One (1).

Dimensions: Minimum diameter seven-eighths ( $\frac{7}{8}$ ) of an inch, wrought iron or steel. Minimum clearance two and one-half ( $2\frac{1}{2}$ ) inches.

Location: Safety-railings shall be continuous around sides and ends of car, not less than thirty (30) nor more than sixty (60) inches above running-board.

Manner of application: Safety-railings shall be securely fastened to tank or tank-bands, and secured against end shifting.

*Uncoupling-levers*.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars," except that minimum length of uncoupling-lever shall be forty-two (42) inches, measured from centre line of end of car to handle of lever.

Location: Same as specified for "Box and other house cars," except that uncoupling-lever shall be not more than thirty (30) inches above centre line of coupler.

*End-Ladder Clearance*.—No part of car above buffer-block within thirty (30) inches from side of car, *except* brake-shaft, brake-shaft brackets, brake-wheel or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler-horn against the buffer-block or back stop, and no other part of end of car or fixtures on same, above buffer-block, other than exceptions herein noted, shall extend beyond the face of buffer-block.

## CABOOSE CARS WITH PLATFORMS.

*Hand-brakes*.—Number: Each caboose car shall be equipped with an efficient hand-brake which shall operate in harmony with the power-brake thereon.

The hand-brake may be of any efficient design, but must provide the same degree of safety as the design shown on Plate A.

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

The brake-shaft on caboose cars with platforms shall be located on platform to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

*Running-boards*.—Number: One (1) longitudinal running-board.

Dimensions: Same as specified for "Box and other house cars."

Location: Full length of car, centre of roof. (*On caboose cars with cupolas, longitudinal running-boards shall extend from cupola to ends of roof.*)

Outside-metal-roof cars shall have latitudinal extensions leading to ladder locations.

Manner of application: Same as specified for "Box and other house cars."

*Ladders*.—Number: Two (2).

Dimensions: None specified.

Location: One (1) on each end.

Manner of application: Same as specified for "Box and other house cars."

*Roof-handholds*.—Number: One (1) over each ladder.

Where stiles of ladders extend twelve (12) inches or more above roof, no other roof-handholds are required.

Dimensions: Same as specified for "Box and other house cars."

Location: On roof of caboose, in line with and running parallel to treads of ladder, not less than eight (8) nor more than fifteen (15) inches from edge of roof.

Manner of application: Same as specified for "Box and other house cars."



*Cupola-handholds*.—Number: One (1) or more.

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel. Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches.

Location: One (1) continuous handhold extending around top of cupola not more than three (3) inches from edge of cupola-roof.

Four (4) right-angle handholds, one (1) at each corner, not less than sixteen (16) inches in clear length from point of angle, may take the place of the one (1) continuous handhold specified, if locations coincide.

Manner of application: Cupola-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside and riveted over or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Side-handholds*.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel. Minimum clear length, thirty-six (36) inches.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches.

Location: One (1) near each end on each side of car, curving downward toward centre of car from a point not less than thirty (30) inches above platform to a point not more than eight (8) inches from bottom of car. Top end of handhold shall be not more than eight (8) inches from outside face of end-sheathing.

Manner of application: Same as specified for "Box and other house cars."

*End-handholds*.—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Horizontal. One (1) near each side on each end of car on face of platform end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from end of platform end-sill.

Manner of application: Same as specified for "Box and other house cars."

*End Platform-handholds*.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron steel. Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches.

Location: One (1) right-angle handhold on each side of each end extending horizontally from door-post to corner of car at approximate height of platform-rail, then downward to within twelve (12) inches of bottom of car.

Manner of application: Handholds shall be securely fastened with bolts, screws, or rivets.

*Caboose Platform-steps*.—Safe and suitable box steps leading to caboose platforms shall be provided at each corner of caboose.

Lower tread of step shall be not more than twenty-four (24) inches above top of rail.

*Uncoupling-levers*.—Same as specified for "Box and other house cars."

#### CABOOSE CARS WITHOUT PLATFORMS.

*Hand-brakes*.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Each hand-brake shall be so located so that it can be safely operated while car is in motion.

The brake-shaft on caboose cars without platforms shall be located on end of car to the left of centre.

Manner of application: Same as specified for "Box and other house cars."

*Brake-step*.—Same as specified for "Box and other house cars."

*Running-Boards*.—Number: Same as specified for "Box and other house cars."

Dimensions: Same as specified for "Box and other house cars."

Location: Full length of car, centre of roof. (On caboose cars with cupolas, longitudinal running-boards shall extend from cupola to ends of roof.)

## SESSIONAL PAPER No. 20c

Outside-metal-roof cars shall have latitudinal extensions leading to ladder locations.

Manner of application: Same as specified for "Box and other house cars."

*\*Sill-steps.*—Same as specified for "Box and other house cars."

*Side-door steps.*—Number: Two (2) if caboose has side-doors.

Dimensions: Minimum length, five (5) feet.

Minimum width, six (6) inches.

Minimum thickness of tread, one and one-half ( $1\frac{1}{2}$ ) inches.

Minimum height of back-stop, three (3) inches.

Maximum height from top of rail to top of tread, twenty-four (24) inches.

Location: One (1) under each side-door.

Manner of application: Side-door steps shall be supported by two (2) iron brackets having a minimum cross-sectional area seven-eighths ( $\frac{7}{8}$ ) by three (3) inches or equivalent, each of which shall be securely fastened to car by not less than two (2) three-fourth ( $\frac{3}{4}$ ) inch bolts.

*Ladders.*—Number. four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: Same as specified for "Box and other house cars," *except* when caboose has side doors, then side-ladders shall be located not more than eight (8) inches from doors.

Manner of application: Same as specified for "Box and other house cars."

*End-ladder clearance.*—No part of car above end-sills within thirty (30) inches from side of car, *except* buffer-block, brake-shaft, brake-wheel, brake-step, running-board or uncoupling-lever shall extend to within twelve (12) inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against the bluffer-block, or end-sill, and no other part of end of car or fixtures on same above end-sills, other than exceptions herein noted, shall extend beyond the outer face of buffer-block.

*Roof-handholds.*—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

Location: One (1) over each ladder, on roof in line with and running parallel to treads of ladder, not less than eight (8) nor more than fifteen (15) inches from edge of roof.

Where stiles of ladders extend twelve (12) inches or more above roof, no other roof-handholds are required.

Manner of application: Roof-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Cupola-handholds.*—Number: One (1) or more.

Dimensions: Minimum diameter five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches.

Location: One (1) continuous cupola-handhold extending around top of cupola, not more than three (3) inches from edge of cupola roof.

Four (4) right-angle handholds, one (1) at each corner, not less than sixteen (16) inches in clear length from point of angle, may take the place of the one (1) continuous handhold specified, if locations coincide.

Manner of application: Cupola-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside and riveted over or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Side-handholds.*—Number: Four (4).

Dimensions: Same as specified for "Box and other house cars."

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\*End Sill-steps, as specified for Box and Other House Cars, are required for Box and Other House Cars "ONLY."

*Location:* Horizontal. One (1) near each end on each side of car, not less than twenty-four (24) nor more than thirty (30) inches above center line of coupler. Clearance of outer end of handhold shall be not more than eight (8) inches from end of car.

*Manner of application:* Same as specified for "Box and other house cars."

*Side-door handholds.*—Number: Four (4): Two (2) curved, two (2) straight.

*Dimensions:* Minimum diameter five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

*Location:* One (1) curved handhold, from a point at side of each door opposite ladder, not less than thirty-six (36) inches above bottom of car curving away from door downward to a point not more than six (6) inches above bottom of car.

One (1) vertical handhold at ladder side of each door from a point not less than thirty-six (36) inches above bottom of car to a point not more than six (6) inches above level of bottom of door.

*Manner of application:* Side-door handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Horizontal End-handholds.*—Number: Same as specified for "Box and other house cars."

*Dimensions:* Same as specified for "Box and other house cars."

*Location:* Same as specified for "Box and other house cars," *except* that (1) additional end-handhold shall be on each end of cars with platform end-sills as heretofore described, unless car has door in centre of end. Said handhold shall be not less than twenty-four (24) inches in length, located near centre of car, not less than thirty (30) nor more than sixty (60) inches above platform end-sill.

*Manner of application:* Same as specified for "Box and other house cars."

*Vertical handholds.*—Same as specified for "Box and other house cars."

*Uncoupling-levers.*—Same as specified for "Box and other house cars."

#### PASSENGER-TRAIN CARS WITH WIDE VESTIBULES.

*Hand-brakes.*—Number. Each passenger-train car shall be equipped with an efficient hand-brake, which shall operate in harmony with the power-brake thereon.

*Location:* Each hand-brake shall be so located that it can be safely operated while car is in motion.

*Side-handholds.*—Number: Eight (8).

*Dimensions:* Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, metal.

Minimum clear length, sixteen (16) inches.

Minimum clearance, one and one-fourth ( $1\frac{1}{4}$ ), preferably one and one-half ( $1\frac{1}{2}$ ) inches.

*Location:* Vertical. One (1) on each vestibule door post.

*Manner of application:* Side-handholds shall be securely fastened with bolts rivets or screws.

*End-handholds.*—Number: Four (4).

*Dimensions:* Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches.

Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Handholds shall be flush with or project not more than one (1) inch beyond vestibule face.

*Location:* Horizontal. One (1) near each side on each end projecting downward from face of vestibule end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

*Manner of application:* End-handholds shall be securely fastened with bolts or rivets.



## SESSIONAL PAPER No. 20c

When marker-sockets or brackets are located so that they can be conveniently reached from platforms, suitable steps and handholds shall be provided for men to reach such sockets or brackets.

*Uncoupling-Levers.*—Uncoupling attachments shall be applied so they can be operated by a person standing on the ground.

Minimum length of ground uncoupling attachment, forty-two (42) inches, measured from centre line of end of car to handle of attachment.

## PASSENGER-TRAIN CARS WITH OPEN END-PLATFORMS.

*Hand-Brakes.*—Number: Each passenger-train car shall be equipped with an efficient hand-brake, which shall operate in harmony with the power-brake thereon.

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

*End-handholds.*—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Handholds shall be flush with or project not more than one (1) inch beyond face of end-sill.

Manner of application: End-handholds shall be securely fastened with bolts or end-sill, projecting downward. Clearance of outer end of handhold shall be not more than sixteen (16) inches from end of end-sill.

Manner of application: End-handholds shall be securely fastened with bolts or rivets.

*End Platform-handholds.*—Number: Four (4). [*Cars equipped with safety-gates do not require end platform-handholds.*]

Dimensions: Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches, metal.

Location: Horizontal from or near door-post to a point not more than twelve (12) inches from corner of car, then approximately vertical to a point not more than six (6) inches from top of platform. Horizontal portion shall be not less than twenty-four (24) inches in length nor more than forty (40) inches above platform.

Manner of application:—End platform-handhold shall be securely fastened with bolts, rivets, or screws.

*Uncoupling Levers.*—Uncoupling attachments shall be applied so they can be operated by a person standing on the ground.

Minimum length of ground uncoupling attachment, forty-two (42) inches, measured from centre of end of car to handle of attachment.

## PASSENGER-TRAIN CARS WITHOUT END-PLATFORMS.

*Hand-brakes.*—Number: Each passenger-train car shall be equipped with an efficient hand-brake which shall operate in harmony with the power-brake thereon.

Location: Each hand-brake shall be so located that it can be safely operated while car is in motion.

*Sill-Steps.*—Number: Four (4).

Dimensions: Minimum length of tread ten (10), preferably twelve (12), inches.

Minimum cross-sectional area one-half ( $\frac{1}{2}$ ) by one and one-half ( $1\frac{1}{2}$ ) inches or equivalent, wrought iron or steel.

Minimum clear depth eight (8) inches.

Location: One (1) near each end on each side not more than twenty-four (24) inches from corner of car to centre of tread of sill-step.

Outside edge of tread of step shall be not more than two (2) inches inside of face of side of car.

Tread shall be not more than twenty-four (24), preferably not more than twenty-two (22) inches above the top of rail.

Manner of application: Steps exceeding eighteen (18) inches in depth shall have an additional tread and be laterally braced.

Sill-steps shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half ( $\frac{1}{2}$ ) inch rivets.

*Side-handholds*.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16), preferably twenty-four (24), inches.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches.

Location: Horizontal or vertical. One (1) near each end on each side of car over sill-step.

If horizontal, not less than twenty-four (24) nor more than thirty (30) inches above centre line of coupler.

If vertical, lower end not less than eighteen (18) nor more than twenty-four (24) inches above centre line of coupler.

Manner of application: Side-handholds shall be securely fastened with bolts, rivets or screws.

*End-handholds*.—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clear length, sixteen (16) inches.

Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: Horizontal. One (1) near each side on each end projecting downward from face and of end-sill or sheating. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of car.

Manner of application: Handholds shall be flush with or project not more than one (1) inch beyond face of end-sill.

End-handholds shall be securely fastened with bolts or rivets.

When marker sockets or brackets are located so that they can not be conveniently reached from platforms, suitable steps and handholds shall be provided for men to reach such sockets or brackets.

*End-handrails*.—(On cars with projecting end-sills).—Number: Four (4).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel.

Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: One (1) on each side of each end, extending horizontally from door-post or vestibule-frame to a point not more than six (6) inches from corner of car, then approximately vertical to a point not more than six (6) inches from top of platform end-sill; horizontal portion shall be not less than thirty (30) nor more than sixty (60) inches above platform end-sill.

Manner of Application: End hand-rails shall be securely fastened with bolts, rivets or screws.

*Side-Door Steps*.—Number: One (1) under each door.

Dimensions: Minimum length of tread, ten (10), preferably twelve (12), inches.

Minimum cross-sectional area, one-half ( $\frac{1}{2}$ ) by one and one-half ( $1\frac{1}{2}$ ) inches or equivalent, wrought iron or steel.

Minimum clear depth, eight (8) inches.

Location: Outside edge of tread of step not more than two (2) inches inside of face of side of car.

## SESSIONAL PAPER No. 20c

Tread not more than twenty-four (24), preferably not more than twenty-two (22), inches above the top of rail.

Manner of application: Steps exceeding eighteen (18) inches in depth shall have an additional tread and be laterally braced.

Side-door steps shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts with nuts outside (when possible) and riveted over, or with not less than one-half inch rivets.

A vertical handhold not less than twenty-four (24) inches in clear length shall be applied above each side-door step on door post.

*Uncoupling-levers.*—Uncoupling attachments shall be applied so they can be operated by a person standing on the ground.

Minimum length of ground uncoupling attachment, forty-two (42) inches, measured from centre line of end of car to handle of attachment.

## STEAM LOCOMOTIVES USED IN ROAD SERVICE.

*Tender Sill-steps.*—Number: Four (4) on tender.

Dimensions: Bottom tread not less than eight (8) by twelve (12) inches, metal. [*May have wooden treads.*]

If stirrup-steps are used, clear length of tread shall be not less than ten (10), preferably twelve (12), inches.

Location: One (1) near each corner of tender on sides.

Manner of application: Tender sill-steps shall be securely fastened with bolts or rivets.

*Pilot Sill-steps.*—Number: Two (2).

Location: Foot rests shall be provided on the pilot of every such engine, sufficient in width for a man to stand on.

Manner of application: Pilot sill-steps shall be securely fastened with bolts or rivets.

*Pilot-beam Handholds.*—Number: Two (2).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel. Minimum clear length, fourteen (14), preferably sixteen (16) inches. Minimum clearance, two and one-half ( $2\frac{1}{2}$ ) inches.

Location: One (1) on each end of buffer-beam. [*If uncoupling-lever extends across front end of locomotive to within eight (8) inches of end of buffer-beam, and is seven-eighths ( $\frac{7}{8}$ ) of an inch or more in diameter, securely fastened, with a clearance of two and one-half ( $2\frac{1}{2}$ ) inches, it is a handhold.*]

Manner of Application: Pilot-beam handholds shall be securely fastened with bolts or rivets.

*Side-handholds.*—Number: Six (6).

Dimensions: Minimum diameter, if horizontal, five-eighths ( $\frac{5}{8}$ ) of an inch; if vertical, seven-eighths ( $\frac{7}{8}$ ) of an inch, wrought iron or steel. Horizontal, minimum clear length, sixteen (16) inches. Vertical, clear length equal to approximate height of tank. Minimum clearance two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: Horizontal or vertical. If vertical, one (1) on each side of tender within six (6) inches of rear or on corner, if horizontal, same as specified for "Box and other house cars."

One (1) on each side of tender near gangway; one (1) on each side of locomotive at gangway; applied vertically.

Manner of application: Side-handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts or rivets.

*Rear-end Handholds.*—Number: Two (2).

Dimensions: Minimum diameter, five-eighths ( $\frac{5}{8}$ ) of an inch, wrought iron or steel. Minimum clear length, fourteen (14) inches. Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ), inches.



**Location:** Horizontal. One (1) near each side of rear end of tender on face of end-sill. Clearance of outer end of handhold shall be not more than sixteen (16) inches from side of tender.

**Manner of application:** Rear-end handholds shall be securely fastened with not less than one-half ( $\frac{1}{2}$ ) inch bolts or rivets.

**Uncoupling-levers.**—**Number:** Two (2) double levers, operative from either side. **Dimensions:** Rear-end levers shall extend across end of tender with handles not more than twelve (12), preferable nine (9), inches from side of tender with a guard bent on handle to give not less than two (2) inches clearance around handle.

**Location:** One (1) on rear end of tender and one (1) on front end of locomotive.

**Handles of front-end levers** shall be not more than twelve (12), preferably nine (9) inches from ends of buffer-beam, and shall be so constructed as to give a minimum clearance of two (2) inches around handle.

**Manner of application:** Uncoupling-levers shall be securely fastened with bolts or rivets.

**Couplers.**—Locomotives shall be equipped with automatic couplers at rear of tender and front of locomotive.

#### STEAM LOCOMOTIVES USED IN SWITCHING SERVICE.

**Footboards.**—**Number:** Two (2) or more.

**Dimensions:** Minimum width of tread, ten (10) inches, wood.

Minimum thickness of tread, one and one-half ( $1\frac{1}{2}$ ), preferably two (2) inches.

Minimum height of back-stop, four (4) inches above tread.

Height from top of rail to top of tread, not more than twelve (12) nor less than nine (9) inches.

**Location:** Ends or sides.

If on ends, they shall extend not less than eighteen (18) inches outside of gauge of straight track, and shall be not more than twelve (12) inches shorter than buffer-beam at each end.

**Manner of application:** End footboards may be constructed in two (2) sections, *provided* that practically all space on each side of coupler is filled, and inner ends are protected with guard of same height as back-stop, each section shall be not less than three (3) feet in length.

Footboards shall be securely bolted to two (2) one (1) by four (4) inches metal brackets, *provided* footboard is not cut or notched at any point.

If footboard is cut or notched or in two (2) sections, not less than four (4) one (1) by three (3) inches metal brackets shall be used, two (2) located on each side of coupler. Each bracket shall be securely bolted to buffer-beam, end-sill or tank-frame by not less than two (2) seven-eighths ( $\frac{7}{8}$ ) inch bolts.

If side footboards are used, a substantial handhold or rail shall be applied not less than thirty (30) inches nor more than sixty (60) inches above tread of footboard.

**Sill-steps.**—**Number:** Two (2) or more.

**Dimensions:** Lower tread of step shall be not less than eight (8) by twelve (12) inches metal. [*May have wooden treads.*] If stirrup-steps are used, clear length of tread shall be not less than ten (10), preferably twelve (12), inches.

**Location:** One (1) or more on each side at gangway secured to locomotive or tender.

**Manner of application:** Sill-steps shall be securely fastened with bolts or rivets.

**End-handholds.**—**Number:** Two (2).

**Dimensions:** Minimum diameter, one (1) inch, wrought iron or steel. Minimum clearance, four (4) inches, *except* at coupler casting or braces, when minimum clearance shall be two (2) inches.

## SESSIONAL PAPER No. 20c

Location: One (1) on pilot buffer-beam; one on rear end of tender, extending across front end of locomotive and rear end of tender. Ends of handholds shall be not more than six (6) inches from ends of buffer-beam or end-sill, securely fastened at ends. If the coupling leavers meet all specified requirements for end handholds, it is a handhold.

Manner of application: End-handholds shall be securely fastened with bolts or rivets.

Side-handholds.—Number: Four (4).

Dimensions: Minimum diameter, seven-eighths ( $\frac{7}{8}$ ) of an inch, wrought iron or steel. Clear length equal to approximate height of tank. Minimum clearance, two (2), preferably two and one-half ( $2\frac{1}{2}$ ) inches.

Location: Vertical. One (1) on each side of tender near front corner; one (1) on each side of locomotive at gangway.

Manner of application: Side-handholds shall be securely fastened with bolts or rivets.

*Uncoupling-levers.*—Number: Two (2) double levers, operative from either side.

Dimensions: Handles of front-end levers shall be not more than twelve (12), preferably nine (9) inches from ends of buffer-beam, and shall be so constructed as to give a minimum clearance of two (2) inches around handle. Rear-end levers shall extend across end of tender with handles not more than twelve (12), preferably nine (9) inches from side of tender, with a guard bent on handle to give not less than two (2) inches clearance around handle.

Location: One (1) on rear end of tender and one (1) on front end of locomotive.

*Handrails and steps for headlights.*—Switching-locomotives with sloping tenders with manhole or headlight located on sloping portion of tender shall be equipped with secure steps and handrail or with platform and handrail leading to such manhole or headlight.

*End-ladder clearance.*—No part of locomotive or tender *except* draft-rigging, coupler and attachments, safety-chains, buffer-block, foot-board, brake-pipe, signal-pipe, steam-heat pipe or arms of uncoupling-lever shall extend to within fourteen (14) inches of a vertical plane passing through the inside face of knuckle when closed with horn of coupler against buffer-block or end end-sill.

*Couplers.*—Locomotives shall be equipped with automatic couplers at rear of tender and front of locomotive.

## SPECIFICATION COMMON TO ALL STEAM LOCOMOTIVES.

*Hand-brakes.*—Hand-brakes will not be required on locomotives nor on tenders when attached to locomotives. If tenders are detached from locomotives and used in special service, they shall be equipped with efficient hand-brakes.

*Running-boards.*—Number: Two (2).

Dimensions: Not less than ten (10) inches wide. If of wood, not less than one and one-half ( $1\frac{1}{2}$ ) inches in thickness; if of metal, not less than three-sixteenths ( $\frac{3}{16}$ ) of an inch, properly supported.

Location: One (1) on each side of boiler extending from cab to front end near pilot-beam. [*Running-boards may be in sections. Flat-top steam-chests may form section of running-board.*]

Manner of application: Running-boards shall be securely fastened with bolts, rivets or studs. Locomotives having Wootten type boilers with cab located on top of boiler more than twelve (12) inches forward from boiler-head shall have suitable running-boards running from cab to rear of locomotive, with handrailings not less than twenty (20) nor more than forty-eight (48) inches above outside edge of running-boards, securely fastened with bolts, rivets or studs.

*Handrails.*—Number: Two (2) or more.

Dimensions: Not less than one (1) inch in diameter, wrought iron or steel.

Location: One on each side of boiler extending from near cab to near front end of boiler, and extending across front end of boiler, not less than twenty-four (24) nor more than sixty-six (66) inches above running-board.

Manner of application: Handrails shall be securely fastened to boiler.

*Tender of Vanderbilt type.*—Tenders known as the Vanderbilt type shall be equipped with running-boards; one (1) on each side of tender not less than ten (10) inches in width and one on top of tender not less than forty-eight (48) inches in width extending from coal space to rear of tender. There shall be a handrail on each side of top running-board, extending from coal space to rear of tank, not less than one (1) inch in diameter and not less than twenty (20) inches in height above running-board from coal space to manhole.

There shall be a handrail extending from coal space to within twelve (12) inches of rear of tank, attached to each side of tank above side running-board, not less than (30) nor more than sixty-six (66) inches above running-board.

There shall be one (1) vertical end handhold on each side of Vanderbilt type of tender, located within eight (8) inches of rear of tank extending from within eight (8) inches of top of end-sill to within eight (8) inches of side handrail. Post supporting rear end of side running-board if not more than two (2) inches in diameter and properly located, may form section of handhold.

An additional horizontal end handhold shall be applied on rear end of all Vanderbilt type of tenders which are not equipped with vestibules. Handhold to be located not less than thirty (30) nor more than sixty-six (66) inches above top of end-sill. Clear length of handhold to be not less than forty-eight (48) inches.

Ladders shall be applied at forward ends of side running-boards.

*Handrails and steps for headlights.*—Locomotives having headlights which can not be safely and conveniently reached from pilot-beam or steam-chests shall be equipped with secure handrails and steps suitable for the use of men in getting to and from such headlights.

A suitable metal end or side-ladder shall be applied to all tanks more than forty-eight (48) inches in height, measured from the top of end-sill, and securely fastened with bolts or rivets.

*Couplers.*—Locomotives shall be equipped with automatic couplers at rear of tender and front of locomotive.

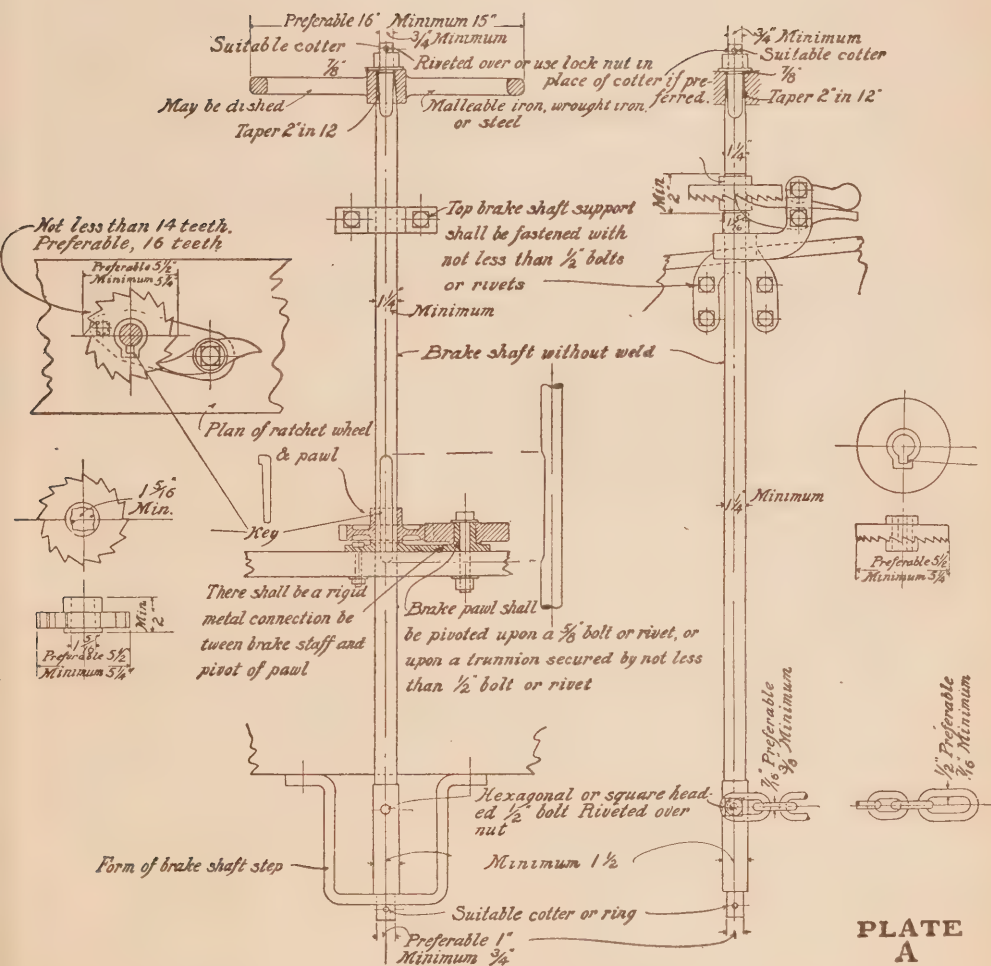
Cars of construction not covered specifically in the foregoing sections, relative to handholds, sill-steps, ladders, hand-brakes and running-boards may be considered as of special construction, but shall have, as nearly as possible, the same complement of handholds, sill-steps, ladders, hand-brakes and running-boards as are required for cars of the nearest approximate type.

"RIGHT" or "LEFT" refers to side of person when facing end or side of car from ground.

To provide for the usual inaccuracies of manufacturing and for wear, where sizes of metal are specified, a total variation of five (5) per cent below size given is permitted.



SESSIONAL PAPER No. 20c

PLATE  
A

[Any efficient arrangement of ratchet-wheel and pawl may be used.]



SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 103.

File 1750-17. Pa. 3.

WEDNESDAY, the 9th day of April, A.D. 1913

In the Matter of the Order of the Board No. 17211, dated July 24, 1912, approving the regulations governing the testing of hearing and eyesight of railway employees required to take such tests.

Upon the report and recommendation of the chief operating officer of the board—

It is Ordered that the said order No. 17211, dated July 24, 1912, be amended as follows :

1. By substituting the word "visual" for the word "visional" in the fifth line of the operative part of the order, on page 1.
2. By adding the word "an" after the word "under," and striking out the words "a qualified" before the word "oculist," and adding the words "or optometrist" after the word "oculist" on page two, in the second and third lines of section one.
3. By striking out the word "expert" before the word "oculist," and adding the words "or optometrist" after the word "oculist," in the fourth line of subsection (b) of section 5, on page 2.
4. By adding the words "or optometrist" after the word "oculist" in the sixth line of said subsection (b).
5. By striking out the words "or experts" and substituting the words "or optometrists" in subsection (e) of said section 5, on page 3.
6. By adding the words "or optometrist" after the word "oculist" in section 13.
7. By adding the word "an" after the word "by," and striking out the words "a qualified" before the word "oculist," and adding the words "or optometrist," after the word "oculist," in the second line of section 15.
8. By adding the word "not" after the word "will" in the seventh line of section 22, on page 5.
9. By adding the words "or optometrist" after the word "oculist" in the second line of section 25.
10. By striking out the words "Hostlers who run on main track" under the heading "Indoor Tests," in class A, on page 7.
11. By striking out the words "Hostlers who do not run on main track" in class B, on said page 7.
12. By rearranging the words in class A under the heading "Field Tests," on page 8, to read as follows:

"By day, sunlight . . . . . 200, 400, and 2,600 feet.  
 Or by day, if cloudy with clear atmosphere 200, 400, and 2,000 feet.  
 By night. . . . . 200, 400, and 2,000 feet."

D'ARCY SCOTT,

*Asst. Chief Commissioner..*

## GENERAL ORDER NO. 104.

File 4214—Case 1503.

WEDNESDAY, the 30th day of April, A.D. 1913.

In the matter of the rates charged by Express Companies within the Legislative authority of the Parliament of Canada, operating in Canada.

In pursuance of the powers conferred upon it by sections 28 and 348 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered:

1. That the express companies under the jurisdiction of the board be, and they are hereby, required to submit new standard tariffs of maximum mileage rates to be



charged for express freight classified as "merchandise" between points west of and including Sudbury, Ont., making a reduction of approximately 20 per cent from the maximum mileage rates in excess of fifty cents per 100 pounds now being charged; the said reduced maximum rates to carry with them the appropriate tolls of the "graduate" table, scales "K" and "N"; and the special tariff for single shipments of 500 pounds or over.

2. That the said maximum rates, so reduced, for the mileage group from 900 to 1,000 miles, do not exceed four dollars (\$4) per 100 pounds in the section between Sudbury, Ont., Sault Ste. Marie, Ont., and Crowsnest, Canmore, and Thornton, Alta., and four dollars and seventy-five cents (\$4.75) per 100 pounds in the section west thereof, in place of \$5 and \$6, respectively, as now charged.

3. That the said reduced standard tariffs of maximum mileage rates be published and filed so as to become effective on or before the 15th day of July, 1913.

H. L. DRAYTON,

*Chief Commissioner.*

Case 1503.—File No. 4214.

Chief Commissioner DRAYTON:

Last autumn, under the provisions of the Railway Act authorizing the board of its own motion to enquire into, hear, and determine any matter which under the Act it might enquire into, hear and determine upon application or complaint, I took up the question of express rates with the Traffic Department of the board. After a somewhat lengthy scrutiny it became apparent that data to which no exception could be taken indicated at least a "prima facie" case for a reduction of charges, and that question has been taken up with the Canadian Express Company, the Dominion Express Company, and the Canadian Northern Express Company, these Companies doing practically the express business of the country.

The companies have, from time to time, made their representations, and have been given every opportunity to show cause why reduction should not be made, and a general review having been made of the express situation, the question is now ripe for action by the board.

So far as the Canadian Express Company is concerned, which company carries on the bulk—in fact practically all—of its transactions in the east, its president states that, owing to reductions in rates made by the board, either directly or indirectly, e.g., the compelling of greater service as a consequence of the extension of free collection delivery zones at many points, and increased expenses, net earnings are too low, and that if expenses go on increasing, the continued financial success of the company is more or less doubtful. While it is true that expenses have materially increased and the ratio of earnings been considerably reduced, I look upon its condition as satisfactory, and think that a sufficient return is netted on its enterprise.

In view of the fact that this company's operations are practically confined to the east, it is of interest to follow up the result of the board's judgment with the increased service and expenses the company complains of.

I propose to accept unreservedly the findings of the board in the previous investigation, which have been checked from every conceivable standpoint, and were the result of a very complete and thorough investigation extending over a period of some three years.

These findings, so far as the Canadian Express Company is concerned, show that, for a period of seven years, that is, from 1902 to 1908, the company's gross revenue showed an average of \$1,665,024, and that the average net earnings during the same period amounted to \$218,262, or 13.1 per cent on the gross revenue, which amounted in all to \$11,655,971.00. During this period the revenue increased from \$1,314,400 in 1902, to \$1,909,024 in 1908.

The company's revenue, as shown by its last returns for the year ended June 30, 1912, amounted to \$3,065,424.80. Its returns as its balance for the year's operations,

## SESSIONAL PAPER No. 20c

\$188,970.11, which is paid over to the Grand Trunk Railway Company, its owner, and which represents a net profit. Had no reduction been made, and if the company's rates, expenses, and practices had been as they were in 1908, the company's balance, instead of this sum, would have amounted to \$401,570.64, showing that upon the increased business the result has been a decrease in net profit from the former standard of \$212,600.53.

As the board, by its judgment in the General Inquiry, accepted as reasonable, subject to exceptions hereafter to be noted, the existing predominating scale of charges in use in Eastern Canada, I was unable to understand the great falling off of profits shown by the company's statement of 1912, and requisitioned, for the purpose of ascertaining the necessary details of the business to check the statement, the last completed monthly analysis made by the company's general auditor. From it, it appears that the company's lessened profits are the result of increased expenses to a far greater extent than to reduced rates. I find, for example, that, for the period from January 1, 1912, to November 30, 1912, compared with the like period for the year 1911, the cost of superintendents and route agents increased from \$36,466.00 to \$43,683.83, or 19.8 per cent.

Offices maintained by salary increased from \$220,227.81 to \$282,378.80, an increase of 28.2 per cent.

The wages of wagon drivers and helpers increased from \$109,048.08 to \$140,008.90, an increase of 28.4 per cent.

Office supplies and expenses increased from \$22,343.68 to \$39,285.48, an increase of 75.8 per cent.

Rent of local offices increased from \$30,811.16 to \$36,007.98, an increase of 16.8 per cent.

The wages of stable employees increased from \$8,191.50 to \$11,736.83, an increase of 43.2 per cent.

Stable expenses increased from \$69,677.38 to \$98,417.94, an increase of 41.2 per cent.

Messengers and supplies increased from \$113,776.83 to \$143,183.38, an increase of 25.8 per cent.

Transfer point salaries were increased from \$24,424.20 to \$29,274.13, an increase of 19.8 per cent.

Stationery and printing expenses increased from \$24,470.02 to \$35,731.60, an increase of 46 per cent.

Money paid for loss and damage increased from \$26,086.43 to \$40,038.73, an increase of 53.5 per cent.

Coming to the executive and head office; No increase has been made in the salaries of the general officers, an economy having been made here in the small sum of \$277.76.

The wages of the clerks, however, have been increased by \$9,859.38; today's clerical wage being \$43,562.43, as against \$33,703.05 in 1911.

During the same period of time there was, of course, an increase in the total receipts, the gross receipts rising from \$2,582,208.97 to \$2,999,439.10, an increase of 16.1 per cent.

No increased proportion was paid to the railway company for express privileges, another manner in which the account could have been unduly influenced; but, as a matter of fact, the percentage of increase is somewhat lower, the payment of \$1,271,072.41 rising to \$1,415,638.60, an increase of 11.3 per cent, a smaller percentage than the gain in gross receipts. The result is to give a different percentage in growth on the total operating revenue, which was for this eleventh month period in 1911, \$1,311,136.56, and in 1912, \$1,583,800.50, an increase of 20.7 per cent.

The total expenses chargeable to operating revenue for the eleven month period amounted to \$1,080,810.46 in 1911, and \$1,368,223.36 in 1912, an increase on the whole of 26.6 per cent.

The result of it all is to show that the company's net profit is further decreasing; the increased expenses amounting to \$287,412.90, as against an increase in operating revenue of \$272,663.94, to which must be added \$1,607.30 for increase in taxation.

Some particular items of increase in the account do not have any particular significance, and may be, and probably are, peculiar to the year; but in the summation of the whole, it is significant that, with an addition of \$272,663.94 of new business there is a net decrease in profits of \$16,356.26.

The details of the company's business, therefore, seem entirely to corroborate its official return.

So far as the reduction in rates are concerned, while no general reduction has taken place in Eastern Canada, some were brought about in particular cases by orders which I find have been made by the board in addition to the carrying into effect of its general judgment. The Express Freight Classification was revised, and its rules and regulations were greatly simplified in the interests of the shipper. The table of so-called "graduated" charges for shipments of less than 100 pounds was extended so as to provide specific charges for such shipments under certain head-line rates of the general merchandise tariff previously omitted, and for the omitted 6, 8, and 9-pound shipments; the former custom being to charge under the next higher rate, or for the next greater weight. For example: Merchandise rates of \$5.25, \$5.50 and \$5.75 per 100 pounds were added, so that all small shipments so entitled have now their appropriate charges under these rates, instead of under \$6 as formerly.

The board also prescribed a new form of shipping receipt which extended the liability of the companies by eliminating the qualification of "owner's risk" which was contained in the former classification. This change probably accounts, in some measure at least, for the increase of 53.5 per cent in sums paid by the Canadian express Company to shippers for loss and damage in transit, and in like measure is an index of the advantage to the shipper of the elimination from the Classification of the provisions limiting the companies' liability in respect of loss and damage claims.

The board also, on the 21st day of August, 1911, reduced the cream rates in eastern Canada.

On the 10th day of January, 1912, the winter rates to Prince Edward Island from points in Ontario, Quebec, New Brunswick and Nova Scotia were reduced, the reductions ranging from 25 to 50 cents per 100 pounds.

The board, on the 8th day of November, 1911, ordered the application of a single "graduate" charge on traffic moving over the lines of two or more express companies, the effect of the order being to give a considerable reduction to the shipper. For example: a package of 20 pounds, over two express lines, is now charged from New Glasgow to Mattawa, \$1.30 instead of \$1.60; from Grand Mere to Port Dover, 90 cents instead of \$1.05.

The board also, on the 2nd day of March, 1912, made a material reduction in the rates on daily newspapers.

On the other hand, certain increases resulted from the board's judgment. For example: the carriage of empties of a certain character free by the express companies, while others were charged varying rates, amounted to discrimination. The charges are now uniform for all empties and by weight; they are lower than some of the rates which, for certain classes of empties, had formerly been charged; but, of course, constitute an increase in so far as that class of empties is concerned that were formerly carried free. The companies, however, which formerly were at no responsibility for empties, became liable for them as in the case of any other shipment.

A further advance was caused by the establishment of the so-called measurement rule for the purpose of insuring to the companies a reasonable revenue on light and bulky goods, forwarded generally by millinery shippers, after a full discussion in which the millinery shippers were represented.



## SESSIONAL PAPER No. 20c

Another advance resulted from the elimination of schedule "E" of the classification, which provided rates on large and continuous shipments by manufacturers, and which was considered by the board to constitute a discrimination against the small shippers.

In addition to these orders, the board has, from time to time, enlarged the free collection and delivery limits at different points, which necessarily results in additional equipment and expense to the companies.

The result of it all, in my view, is that, while there has been no general reduction in Eastern Canada, reductions have been made through a more generous classification and "graduate" scale, increased carrying liability on the express companies, the specific reductions noted, and extension of free collection and delivery limits, which by increasing the service is equivalent to a reduction in the rate. The effect of these changed conditions could not be estimated in any manner, and can be approximately reflected only by the subsequent results obtained by the companies. In my opinion, however, such reductions are perhaps not sufficient to have been appreciated by the average shipper using the express facility.

My difficulty in making any order directing a reduction to-day is entirely owing to changed conditions resulting, as pointed out, from a somewhat extended and bettered service, but much more largely owing to the increased cost of carrying on the business; and also to the statement made by the Honourable the Postmaster General of his intention to institute a parcels post system in Canada, to which a more extended reference is hereafter made.

The net result to the Canadian Express Company, that I take as a fair illustration of express conditions in Eastern Canada, shows that from a net return on the gross revenue of 13.1 per cent, as ascertained by the board in its former investigation, the net return on a much larger turn-over to-day has dropped to 6.09 per cent. I do not say that this much smaller figure is to be looked upon or adopted by the board as only a reasonable compensation, but I hesitate to make any drastic order applying to Eastern Canada in the face of this increasing ratio of expense, and the proposed introduction of the parcels post.

The full effect of the board's orders cannot yet be properly estimated by the actual results, and the matter of rates in Eastern Canada generally, I think, should stand until the board has had the opportunity of seeing exactly the effect upon the express business. Overcharges from time to time take place, and specific complaints based on different grounds will undoubtedly arise that may require an immediate action. These can be dealt with as occasion requires, a course contemplated in the former Judgment being as follows:

"Certain rates are asked for upon various commodities from different points, but these are not dealt with, as it is considered that the better course to pursue is to await the general revision and realignment that must follow these findings, when, if a more satisfactory situation is not brought about, complaints that have not been dealt with categorically, or solved in the general result, will be further considered."

A very different aspect is presented by the express business in the west.

The Canadian Northern Express Company carries on its business almost entirely in the prairie provinces, the figures supplied by Mr. Hanna of last year's operations showing that, out of gross earnings of \$778,642.28, only \$93,466.42 is represented by business east of Port Arthur.

In 1908, Mr. Justice Mabee found that, during the seven year period, the net earnings of the company were 25.5 per cent on gross revenue. It is to be observed, however, that on the business of the Company of 1908, which forms part of the seven-year period, while the gross receipts amounted in that year to \$336,708, the net earnings were returned as \$57,432, which would amount only to 17.057 per cent, showing for that year, at least, a reduction of some 8½ per cent.

The company's return to the Government for the year ending June 30, 1912, shows that, on the business above stated, namely, \$778,642.28, a balance is carried forward as profits of \$192,676.99, a return to the company on its operations at the rate of 24.745 per cent. It is true that Mr. Hanna disputes the accuracy of these figures in that the railway company made no charges for offices, station and platform space, etc., which it should have made. As a matter of fact, that is the case, but the company's custom seems to have been exactly the same when its returns were under the board's scrutiny upon the last investigation.

It is to be noted that the board in its previous judgment in the case of the Dominion Express Company, found that, during the seven-year period under review, 5.6 per cent of the gross revenue was charged for station accommodation. As a matter of book-keeping it would be fair to make some such allowance. I do not think, however, that it is necessary to go into the matter at length, and merely refer to it for the purpose of showing that, in this regard, the figures supplied by the Canadian Northern Express Company, are, as contended by it, not accurate. This practice was common during both periods, and, therefore, comparison can be properly made disregarding it altogether.

While for the purpose of comparison a close adjustment of the account need not be made, the statement, if compiled on the usual basis of a charge of 50 per cent gross by the railway company, and as charged by the Intercolonial, would be as follows:—

Gross receipts.. . . .	\$778,642 28
Express privileges.. . . .	389,321 14
	<hr/>
Operating Revenue.. . . .	\$389,321 14
Operating expenses.. . . .	276,411 07
	<hr/>
	\$112,910 07
Taxes.. . . .	6,897 61
	<hr/>
	\$106,012 46

The statement, even as amended, makes an extraordinarily good return on a business of \$778,642.28, as compared with earnings of \$188,970.11, on a business of \$3,065,424.80, for the same period, of the Canadian Express Company.

The Dominion Express Company also obtains more of its earnings in the West, although it does a considerably larger business in the East than the Canadian Northern Express Company. For the period under review in the last enquiry, it was shown that the company's gross receipts amounted to \$21,473,694, increasing from \$1,529,195 in 1901, to \$3,743,580 in 1908; and that during this period the net earnings amounted to 16.9 per cent on this revenue. The company's gross revenue from all sources, including its financial branch and transatlantic traffic, for the year ended June 30, 1912, as returned to the department, shows \$6,180,956, with a net revenue to the company of \$642,888.94, available for property renewals, which are placed in the report at \$80,000 dividends, and like charges. The result, in this instance, is to show a reduction in the percentage of profit, which, however, is still much greater than that obtained in the eastern territory by the Canadian Express Company.

In my view, it is not necessary to pursue this question to a finality. The broad results, as outlined, are, I think, entirely sufficient.

There has always been a difference in the scale of charges between the eastern part of Canada and the west. Mr. Justice Mabee's judgment provides that the basis of the scale for eastern Canada shall not exceed \$3. for the Prairie section \$5, and for the Mountain section \$6 per 100 pounds, for the 900-1,000 mile group.

The companies claim that the cost of doing business in the West is greater, and the density of traffic less than in the East. The actual results of operation would seem to show that undue effect has been given to these considerations, and to demand a readjustment.

## SESSIONAL PAPER No. 20c

However, economic conditions presented by other aspects of the railway situation—in view of water competition and the like—may control the board's action, it is obvious that such considerations can apply to an express service with but little force. The express service is entirely different from that of freight. The basis of rates, as well as the demands of the public, stand upon a different footing. Water competition certainly cannot be said to influence in any way, a service the essential of which is speed; nor is the express service influenced in nearly the same degree by the question of competitive points. In my view, the express rates charged by the different companies in the Prairie Provinces and British Columbia are unreasonable. While it was hoped that the directions contained in the board's general judgment would naturally improve the situation, the result shows that no appreciable reduction seems to have been secured. Reductions that have been made, and they are many, as shown by the companies tariffs, are reductions which but little affect the manner in which the bulk of the traffic is moving; or are, perhaps, compensated by additions which have been made to rates, presumably in the levelling process, in establishing a mileage basis of standard rates as provided by the judgment.

I do not think that the former judgment of the board as to the minimum charge should be interfered with. A charge of 25 cents, with the duty of free collection, as well as free delivery, at a large number of points, should not, at the present time, be disturbed; but I am of the opinion that an approximately average reduction of twenty per cent should be made by the companies in the standard maximum tariffs for traffic classified as "merchandise," to apply only to the Prairie Provinces and British Columbia, the appropriate charges of the "graduate" scale, as revised by the board, and those scales "N" and "K" (foodstuffs, ale, beer, mineral waters, etc.) to apply to the rates so reduced.

Both Mr. Hanna of the Canadian Northern and Mr. Stout of the Dominion Express urged very strongly that the proposal of a twenty per cent reduction was entirely too radical, not called for by the returns and conditions of business, and unduly oppressive on their companies. In my view, no smaller reduction should be considered. The express business is a matter of railway operation in this country; and the capitalizations and bonded indebtedness of the different express companies have been created under such circumstances as to require no consideration in striking a rate. I can add nothing useful to what the late chief commissioner, under this head, said in his exhaustive judgment. The test of the rate is largely its reasonableness in view of the service supplied, and in directing the reduction now made by this judgment, the board, I think, would be but adopting a rate basis, at the present time, and in the light of the different aspects of revenue and operation now presented, certainly as reasonable from the standpoint of the carrier as from that of the shipper.

It should be borne in mind that the effect of any reduction on gross receipts produces very much greater results on net returns. For example; the receipts from all sources of the Dominion Express Co., amounting to \$6,180,956, and resulting in a net revenue of \$642,888.94, shows that out of each dollar earned that company has to spend 89.6 cents, leaving a profit of 10.4 cents resulting from each dollar's worth of business done. With expenses at such a large ratio it is plain that any reduction that could be made must appear small to the occasional shipper of the smaller parcels.

It is impossible to determine with exactness the effect that the reduction will make on the earnings of the express companies, the reduction varying with the weight of the different parcels sent day by day, and the distances that they are carried. The task of checking the business for the whole year, parcel by parcel, is almost impossible. Figures, however, have been taken out showing the actual transaction for one day (September 18), which were thought to be characteristic of the general run of business, or unaccompanied, perhaps by any special movement or circumstances.

The results show that the Dominion Express Company received on shipments from points between Sudbury, Caumore, and Crow's Nest to points in the same section (the Prairie section), \$4,337.43, on shipments from points between Canmore, Crow's



5 GEORGE V., A. 1915

Nest, and Vancouver to points in the same section (the Mountain section), \$844.90, on shipments from points in the Prairie section to points in the Mountain section \$600.61, and on shipments from points in the Mountain section to points in the Prairie section, \$154.12, making a total for the day of \$5,937.06. Taking 312 working days as constituting the business year, the business in the territory in which the reduction is now ordered would, on this basis, amount to \$1,852,362.72, a direct reduction of twenty per cent on the charges based on this gross sum would amount to \$370,473. Applying a reduction of 20 per cent on the standard maximum tariffs for traffic classified as "merchandise," and the tolls of the "graduate" table and scales "N" and "K" appropriate to the "merchandise" rates so reduced, and worked out on each shipment of the particular day whose business was analysed, the decrease effected amounts to \$227,317. These figures are merely illustrative and will vary in proportion with the ratio that the business of September 18, is above or below the general average, and whether shipments of that day were of an average character and profit. The company, however, cannot object to their use, that day, in the opinion of its president, being unaccompanied with any special movement or circumstance, and the figures were, in the first instance, prepared by the company's officials and then checked by Mr. Hardwell, the board's chief traffic expert.

Subject to these qualifications, the result on the business for the year 1912 is that the balance of the company's earnings from all sources in Eastern Canada, as well as in the west, amounting to \$642,888.94, would be reduced to \$415,571.94, a reduction of 35.36 per cent. If applied to the profits resulting from the western business alone, the percentage of reduction in profits would be much larger. It is, also, but fair to say that the figures do not include reductions that will follow as a result of this judgment on through shipments from points in Eastern Canada to points in Western Canada, and vice-versa, reductions in which the east is interested as well as the west.

The operation of the parcels post will have a direct effect on the earnings of express companies over the whole country. That post will probably handle parcels of eleven pounds weight and under. A comparatively large part of the merchandise traffic of the express companies consists of parcels of such a character. I have not a return showing the complete business of any of the companies giving the traffic in such parcels, none of them keeping such data. Taking, however, September 18 as an example, the receipts of the Dominion Express Company for the carriage of parcels of eleven pounds or under amounted to \$1,564.18, out of a total of \$5,937.06 on business originating in and consigned to points in Western Canada, or for the year, \$488,024.16 out of \$1,852,362.72.

The figures given by counsel for the express companies in the re-hearing of the Express Companies Rates Case before the Interstate Commerce Commission may be referred to as more or less accurately showing the effect of the parcels post system on express companies. Figures were given showing the business of five of the large American companies for January and February, 1912, contrasting the business of those months with the corresponding months of 1913 when the parcels post system was in operation. These figures show a percentage of decrease in the revenue the companies derived from parcels of 11 pounds weight and under of 16.56 per cent for January, and 25.37 per cent for February. The companies apparently claim that the parcels post business is increasing, and that its increases, as shown by the February returns, more nearly approaches what the total loss to the express companies will be.

If I assume for the moment the correctness of these figures as applied in their proper ratios to the Canadian business the result of the adoption of the parcels post will entail a reduction over the whole country of something like  $4\frac{1}{2}$  per cent on the total merchandise earnings of the express companies.

It is impossible, at the present time, to estimate the effect of parcels post in Canada. The difference of conditions in Canada may produce either greater or less losses to the business of the express companies. Reference is made to them merely to show

## SESSIONAL PAPER No. 20c

the impossibility of now making any close analysis for future rates with a new factor, the result of which is unknown. The figures of the American companies, however, seem to justify the express companies in their fear that the adoption of the system in Canada will work a serious loss to them. Until this unknown quantity is ascertained, the results of the express companies' business and figures before me would not justify any further reduction than that now ordered.

In order to work out the base rate reduction of 20 per cent to a finality some thirty-five or more new columns of rates would have to be added to the "graduate" scale. This would make the scale inconvenient for the rapid reference more or less inseparable from the express business, and would lend itself to inaccuracies. The exact result on the companies' revenues would, also, be difficult to determine. On the other hand, the system of charging for small parcels under the next higher per 100 pounds "merchandise" rate, when the "graduate" scale does not provide the appropriate charge, has its objections. I had hoped to prescribe complete new schedules, which, while making a fair allowance for the constant cost of handling all shipments, no matter what their weight, would more fairly distribute the cost as between small and large shipments, but this I find at present difficult to do. Tariff-making is, after all, the business of the companies, and they have the further advantage of that intimate knowledge of their own conditions which regulating commissions lack. The companies are, therefore, required to submit new tariffs making a reduction of 20 per cent in the Prairie and Mountain sections from the present standard maximum tariff on freight classified as "merchandise," carrying with it the appropriate reduction in the "graduate" table scales "K" and "N," and the special scale for single shipments of 500 pounds or over. I am advised by the board's traffic expert that the preparation of the new tariffs will take some time, and the express companies must proceed without delay, so as to insure the publication and filing of the new tariffs so that they will come into force on or before the 15th day of July next. This allows a reasonable time for this work in Mr. Hardwell's opinion.

The board's order will further provide that the basis of the standard maximum mileage "merchandise" tariffs shall not exceed \$4 per 100 pounds in place of \$5 for the Prairie section, and \$4.75 per 100 pounds in place of \$6 for the Mountain section, for 900-1,000 mile group.

The Assistant Chief Commissioner and Commissioners Mills, McLean and Goodeve concurred.

April 22, 1913.

## GENERAL ORDER No. 105.

In the matter of the general order of the board No. 100, dated the 16th January, 1913, approving regulations for the transportation of explosives by railway companies operating in Canada and subject to the jurisdiction of the board; and the application on behalf of the railway companies to amend the regulations to provide, under certain conditions, for the carriage of explosives in mixed trains. File 1717 Part 3.

Upon the reading of what is alleged in support of the application, the replies of Colonel D. W. Dunn, Chief Inspector of the Bureau for the Safe Transportation of Explosives and Other dangerous Articles, and the report of the Chief Traffic and the Chief Operating Officers of the Board—

It is ordered that paragraph 1666 (1), and the unnumbered paragraph between paragraphs 1683 and 1684, pages 23 and 27, respectively, of the said Regulations, be, and they are hereby, amended to provide that railway companies subject to the jurisdiction of the board, but only on such lines, or portions of lines, on which solid freight trains are not operated, be permitted to carry explosives, the carriage of which

5 GEORGE V., A. 1915

is not forbidden by the said general order No. 100, and in accordance with the regulations therein contained, in quantities not exceeding five hundred (500) pounds in any mixed train; the said explosives to be contained in but one car, and the said car to be so placed in the train that not less than five (5) freight cars are between it and the passenger coach, or coaches.

(Signed)

D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

## FIRE GUARD REQUIREMENTS.

MONDAY, the 11th day of May, 1914.

To

The Canadian Pacific Railway Company.  
The Canadian Northern Railway Company.  
The Grand Trunk Pacific Railway Company.  
The Great Northern Railway Company.

Subsection 4 of section 298 of the Railway Act provides that "The board may order, upon such terms and conditions as it deems expedient, that fireguards be established and maintained by the company along the route of its railway and upon any lands of His Majesty or of any person, lying along such route, and, subject to the terms and conditions of any such order, the company may at all times enter into and upon such lands for the purpose of establishing and maintaining such fireguards thereon, and freeing, from dead or dry grass, weeds and other unnecessary inflammable matter, the land between such fire guards and the line of railway."

Regulation 8 of general order No. 107 provides that "Every such railway company shall establish and maintain fireguards along the route of its railway as the chief fire inspector may prescribe."

You are accordingly required to establish and maintain fireguards on both sides of the right of way, along the route of your railway, in the provinces of Alberta, Saskatchewan and Manitoba, as follows:—

## (A) GRAIN STUBBLE LANDS.

1. Section 297 of the Railway Act requires that "The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter." As to portions of lines where the right of way adjoins lands devoted to grain crops, this requirement is hereby extended to include the strip between the right of way and the edge of cultivation, provided that this requirement shall not apply more than 10 feet outside the right of way on private land.

2. It is generally agreed that if the right of way and adjacent narrow uncultivated strip are freed from combustible material, in accordance with the above requirements, the greatest source of fire danger in cultivated sections will have been removed, and that, while in some sections and under some conditions the ploughing of fireguards through grain stubble lands will still be necessary, in other sections and under other conditions such action is not essential to a reasonable degree of safety. It is also agreed that in general the best judge of the necessity for ploughing fireguards through grain stubble lands is the owner or occupant of the land himself and that where such action is necessary some degree of co-operation on the part of the land owner or occupant may reasonably be expected.

3. You are accordingly required to provide for the ploughing of fireguards through grain stubble lands adjacent to your lines in the provinces of Alberta, Saskatchewan, and Manitoba, wherever such action is necessary in the judgment of the owner or



## SESSIONAL PAPER No. 20c

occupant of such land, and where such owner or occupant, after notice by the railway company as hereinafter prescribed, shall take the initiative and plough immediately following the cutting of the grain, such fireguard, 4 feet in width at a distance of approximately 100 feet from the main track for a remuneration of \$1.75 per lineal mile of 4 foot ploughed fireguard, such amount to be paid by the company within forty days after the submission by the land owner or occupant of written statement of account to the railway company, it being understood that the minimum amount to be paid in any case shall be one dollar.

4. The railway company shall notify land owners and occupants as to the above requirement, by posting printed notices at all stations and all public road crossings through cultivated sections within the provinces of Alberta, Saskatchewan, and Manitoba. Notices at stations shall be posted in a conspicuous place, readily accessible to the general public. Two copies of such notice shall be posted on the railway crossing sign pole in a substantial manner at each public road crossing these notices to be on the opposite sides of pole, one copy facing the railway track. Such notices shall be posted not later than July 15, 1914.

5. In notices to land owners and occupants, railway companies may insert a clause stating that the above arrangement relative to the construction of and payment for the fireguarding of grain stubble lands will remain in effect during 1914 and successive years, until changed by public notices to be posted in a manner similar to that above prescribed. In other words, the above arrangement will remain in effect without further notice, unless and until said arrangement shall be changed by public notice under instructions issued by the chief fire inspector of the board.

6. Notices under the above requirements shall be issued over the signature of a responsible official of the railway company, and the form of such notices shall be subject to the approval of the chief fire inspector of the board. Provision shall be made in the notice that the ploughing of these fireguards shall be done in a workmanlike and efficient manner, and that where such guards do not connect with similar fireguards on adjacent lands, the ends shall be turned in to the railway right of way.

7. Your attention is called to the requirement of general order No. 107 that "No such railway company shall permit its employees, agents, or contractors to enter upon land under cultivation, to construct fireguards, without the consent of the owner or occupant of such lands," and that "Wherever the owner or occupant of such land objects to the construction of fireguards, on the ground that the said construction would involve unreasonable loss or damage to property, the company shall at once refer the matter to the board, giving full particulars thereof, and shall in the meantime refrain from proceeding with the work." Said order also provides that "No agent, employee or contractor of any such railway company shall permit gates to be left open or to cut or leave fences down, whereby stock or crops may be injured, or do any other unnecessary damage to property, in the construction of fireguards."

8. Where the owner or occupant of grain stubble land is unwilling to undertake the construction of fireguards in accordance with the above, the company will exercise its discretion as to whether it will make other arrangements for the ploughing of fireguards or leave such lands unguarded. In case the owner or occupant will neither construct such fireguards under the above requirement, nor permit such work to be done by an agent of the company, the company may either drop the matter of fireguarding or make application to the board for authority to enter upon such lands for the purpose of fireguard construction, over the protest of such owner or occupant.

9. The construction of fireguards is not required where, on account of recent ploughing or the presence of a non-combustible crop, there is no danger of fire spreading and doing damage. Fireguards are not required in standing grain crops.

10. It is clearly understood that nothing contained in this letter, nor any action to be taken under it, shall be construed as in the slightest degree affecting the statutory responsibility of the company for the payment of damage claims on account of fires.

## (B) FENCED GRAZING LAND.

1. This classification shall include fenced, uncultivated lands, which are occupied by owner or tenant, or which are used for the purpose of grazing. Meadows and hay lands generally shall be construed as coming under this classification.

2. On such lands fireguards shall be constructed or maintained in the form of a ploughed strip not less than 16 feet in width. Where such fireguards have been constructed in the past at a distance of from 150 to 250 feet from the track, they shall be maintained in the same location, in order to minimize the weed nuisance. Otherwise, construction shall be at a distance of approximately 200 feet from the main track, or as close a distance to 200 feet as the nature of the country will permit.

3. All dead or dry grass and other unnecessary combustible matter shall be burned or otherwise removed from the right of way. Burning outside the right of way is not required under this classification.

4. Wherever the owner or occupant of land under this classification objects to the construction or maintenance of fireguards as above prescribed, the company shall refrain from doing such work, but shall immediately report the matter to the Board, stating name and address of such owner or occupant, the description of the land by legal subdivision and railway mileage, and whether the company desires the permission of the board to enter on such land for the purpose of constructing or maintaining such fireguards notwithstanding such refusal by owner or occupant.

## (C) OPEN PRAIRIE.

1. This classification shall include unfenced, uncultivated lands, and fenced lands which are uncultivated, unoccupied by owner or tenant, and not used for purposes of grazing.

2. On such lands, fireguards shall be constructed or maintained in the form of a ploughed strip not less than 16 feet in width. Where such fireguards have been constructed in the past at a distance of from 200 to 400 feet from the track, they shall be maintained in the same location, in order to minimize the weed nuisance. Otherwise construction shall be at a distance of approximately 200 feet from the main track, or as close a distance to 200 feet as the nature of the country will permit.

3. All dead or dry grass and other unnecessary combustible matter shall be burned or otherwise removed, between the fireguard and the track. Where the ploughing of fireguards is impracticable on account of ground being too stony or rocky, or too hilly or broken to plough, the dead or dry grass and other unnecessary combustible matter shall be burned off on a strip extending 200 feet from the track.

4. Under the provisions of the Railway Act and of the board's order, the consent of the owner of private land coming under this classification is not essential in connection with either the ploughing of fireguards or the burning off of grass between the fireguard and the main track as above prescribed

## (D) ASPEN OR POPLAR LANDS.

1. In sections where fireguards are necessary and, on account of aspen or poplar growth it is impracticable to plough, the fireguard may be constructed by clearing away the undergrowth and removing all combustible material on the ground, so as to expose the mineral soil, for a width of 16 feet, at a distance of approximately 200 feet from the track. Where the land is sufficiently open so that ploughing is practicable, fireguards shall be constructed as above prescribed for fenced grazing lands or open prairie, according to the status of the particular tract in question.

## SESSIONAL PAPER No. 20c

2. It is understood that fireguarding of this class of land is generally unnecessary, and that exemptions may properly be requested in such cases. Especial care must, however, be taken to construct fireguards where practicable along lines running through forest reserves.

3. All dead or dry grass and other unnecessary combustible matter shall be burned or otherwise removed from the right of way.

## (E) ADDITIONAL PROVISIONS.

1. Where there are alternating bodies of grain stubble, fenced grazing, open prairie, or poplar lands, the ends of the fireguards above prescribed shall so far as possible be so connected as to make an unbroken, continuous fireguard.

2. Wherever, for any reason, it is not practicable to construct a continuous fireguard as above specified, the ends of the constructed portions of the fireguard shall be turned in to the right of way, and special care shall be taken to connect such ends, either by ploughing a strip 8 feet wide along the outer edge of the right of way, or by burning or otherwise removing the combustible matter along such right of way, in such a manner, as to provide good and efficient protection against the spread of fire to lands which have been properly fireguarded.

3. The construction of fireguards shall be completed, as above specified, not later than the 15th day of August, 1914, except as to grain stubble lands, where the requirements as to time of construction, above specified under that heading, shall be observed. Between the date of construction and the 15th day of May, 1915, said fireguards shall be maintained in a good and efficient manner, and dead or dry grass and other unnecessary combustible matter shall be burned or otherwise disposed of, on lands or portions of lands between such fireguards and the track, in accordance with the above requirements.

4. Where a fireguard has been ploughed within two years in accordance with the above specifications, the operation of disking and harrowing will be acceptable instead of reploughing, provided that all weeds and other inflammable material are disked and harrowed under the furrow, so as to make a good and efficient fireguard. Such disking and harrowing shall be completed before the weeds on the fireguard shall have gone to seed. Where more than one operation of disking and harrowing is necessary in order to keep down the weeds on a particular fireguard, such action shall be taken.

5. The provisions of this order shall apply to the portions of the line under construction, in the three provinces named, the same as to portions under operation. In other words, fireguards shall be constructed at the time grading is done on each new portion of the line. However, in case of the laying of the track is to be delayed for a period of one year or more, temporary exemption from this requirement will be granted, upon a showing to that effect, to be made to the board by the company.

6. The foregoing requirements shall apply to all lines of the company in the three provinces named, except where the company shall be specifically exempted from such requirements on the basis of a showing by the company that such construction and maintenance of fireguards is either unnecessary or impracticable. Such showing shall be made at the earliest practicable date but in any event not later than June 10, 1914, in the form of two blue print copies from right of way plan. Such plan shall indicate railway mileages and shall show in each case why fireguard construction is considered unnecessary or impracticable. Pending action by the chief fire inspector upon such request for exemption, the company shall proceed upon the basis of constructing or maintaining fireguards as above specified, except where such action is clearly impracticable or unnecessary.

7. The following reasons will be considered in connection with requests for fireguard exemptions: ground too stony or rocky, or too hilly or broken to plough (exemption here, as to open prairie, will apply to ploughing but not to burning, see paragraph



5 GEORGE V., A. 1915

3 under heading open prairie); timber or scrub; swamp, muskeg or sloughs (where permanently wet and too large to plough around); cities and villages (only where ploughing is impracticable); and the following where width and location are such as to constitute an efficient fireguard, thus making ploughing unnecessary: irrigation canals, ditches, rivers, lakes, creeks, graded roadways or other railway grades parallel to the company's tracks.

8. The company shall submit to the chief fire inspector for the board at Ottawa, in duplicate, not later than December 31, 1914, Annual Graphic Charts and an Annual Fireguard Statistical Report, in accordance with the accompanying forms.\* Such charts shall indicate by mileages, subdivisions and provinces, the portions of the lines in the three provinces named, where fireguards shall have been constructed or maintained, and where and for what reason there shall not have been such construction or maintenance. All portions of the lines in the said provinces, including those under construction, shall be fully accounted for in the above respects.

Very truly yours,

CLYDE LEAVITT, .

*Chief Fire Inspector.*

\* Forms supplied only with original letters.

#### GENERAL ORDER No. 106.

File No. 16513, Part 4.

FRIDAY, the 27th day of June, A.D. 1913.

In the matter of the Rules and Instructions for the Inspection and Testing of Locomotive Boilers and their Appurtenances; and the general order of the board No. 14115, dated July 14, 1911; and the application on behalf of the Canadian Pacific Railway Company for permission to have the 5-inch flues in place except when it is necessary to remove them to allow a man to obtain access to the lower portion of the boiler.

Upon the reading of what has been submitted in support of the application; and upon the report of the assistant chief operating officer of the board:—

It is Ordered that the said order No. 14115, be, and it is hereby, amended by adding after clause 5 of the order, the following clause, namely:—

"5a. *Boilers equipped with super-heated flues.* On removal of the ordinary flues and of as many of the super-heated flues as may be necessary for men to get inside of the boiler to scale and inspect same, if, it is found, upon inspection by the mechanical officer in charge at each point where boiler work is done, that the condition of the super-heated flues does not warrant their removal they may be left in, if thoroughly scaled; the said mechanical officer or inspector to be held strictly responsible as provided in clause 2 of the Order."

(Signed) D'ARCY SCOTT,

*Assistant Chief Commissioner.*

#### GENERAL ORDER No. 107.

File No. 4741, Part 4.

FRIDAY, the 4th day of July, A.D. 1913.

In the matter of the order of the board No. 16570, dated May 22, 1912; and the application by the Canadian Pacific, the Grand Trunk, the Canadian Northern, and the Grand Trunk Pacific Railway Companies to amend said order.

Upon the hearing of the application at the sittings of the board held in the city of Ottawa, July 3, 1913, the railway companies interested, the Commission of Con-

## SESSIONAL PAPER No. 20c

servation, and the Government of the province of British Columbia being represented by counsel at the hearing, and what was alleged; and upon the report and recommendation of the chief operating officer and the chief fire inspector of the board—

It is ordered as follows:—

1. Order No. 16570, dated May 22, 1912, is hereby rescinded.

2. Until further order, every railway subject to the legislative authority of the Parliament of Canada, under construction or being operated by steam, shall, unless exempted by a special order of the board, cause every locomotive engine used on the said railway, or portion of railway, being constructed or operated by it, to be fitted and kept fitted with netting mesh as hereinafter set forth, namely:—

(a) On every engine equipped with an extension smoke box, the mesh shall not be larger than  $2\frac{1}{2}$  by  $2\frac{1}{2}$  per inch of No. 10 Birmingham wire gauge, and shall be placed in the smoke box so as to extend completely over the aperture through which the smoke ascends, the openings of the said mesh not to exceed a quarter of an inch and one sixty-fourth (that is, seventeen sixty-fourths) of an inch to the square.

(b) On every engine equipped with a diamond stack, the mesh shall not be more than 3 by 3 per inch of No. 10 Birmingham wire gauge, and shall be placed at the flare of the diamond of the stack, so as to cover the same completely, the openings of said mesh not to exceed three-sixteenths and one sixty-fourth (that is, thirteen sixty-fourths) of an inch to the square.

3. Every such railway company shall cause:—

(a) The openings of the ash pans on every locomotive engine used on the railway, or portion of railway, operated or being constructed by it, to be covered, when practicable, with heavy sheet iron dampers; and, if not practicable, with screen netting dampers  $2\frac{1}{2}$  by  $2\frac{1}{2}$  per inch of No. 10 Birmingham wire gauge, such dampers to be fastened either by a heavy spring or by a split cotter and pins, or by such other method as may be approved by the board.

(b) Overflow pipes from lifting injectors, or from water pipes from injector-delivery pipe, or from boiler, to be put into the front and back part of the ash pans and used from the 1st day of April to the 1st day of November, or during such portion of this period as the board may prescribe, for wetting ash pans.

4. Every such railway company shall provide inspectors at terminal or divisional points where its locomotive engines are housed and repaired; and cause them, in addition to the duties to which they may be assigned by the officials of the railway companies in charge of such terminal or divisional points:—

(a) To examine at least once a week,

(1) The nettings;

(2) Dead plates;

(3) Ash pans;

(4) Dampers;

(5) Slides; and

(6) Any other fire-protective appliance or appliances used on any and all engines running into the said terminal or divisional points.

(b) To keep a record of every inspection in a book to be furnished by the railway company for the purpose, showing:—

(1) The numbers of the engines inspected;

(2) The date and hour of day of such inspection;

(3) The condition of the said fire-protective appliances and arrangements; and

(4) A record of repairs made in any of the above mentioned fire-protective appliances.

The said book to be open for inspection by any authorized officer of the board.

(c) In case any of the said fire-protective appliances in any locomotive are found to be defective, said locomotive shall be removed from service and shall not, (during said prescribed period) be returned to service, unless and until such defects are remedied.

(d) Every such railway company shall also make an independent examination of the fire-protective appliances on all the locomotives of such company, at least once each month, and the conditions of such fire-protective appliances shall be reported direct to the chief mechanical officer of the railway company, or other chief officer, held responsible for the condition of the motive power of the said company.

5. No employee of any such railway company shall—

(a) Do, or in any way cause, damage to the netting on the engine smokestack or to the netting in the front end of such engine;

(b) Open the back dampers of such engine while running ahead, or the front dampers while running tender first, except when there is snow on the ground, and it is necessary to take such action in order to have engine steam properly;

(c) Or otherwise do or cause damage or injury to any of the fire protective appliances on the said engines.

6. No such railway company shall permit fire, live coals, or ashes to be deposited upon its tracks or right of way, unless they are extinguished immediately thereafter, except in pits provided for the purpose.

7. No such railway company shall burn lignite coal on its locomotive engines as fuel for transportation purposes, unless otherwise ordered by the board,—lignite coal consisting of and including all varieties of coal between peat and bituminous, with a carbon-hydrogen ratio of 11.2 or less, such ratio being based on analysis of air-dried coal.

8. Every such railway company shall establish and maintain fireguards along the route of its railway as the chief fire inspector may prescribe. The nature, extent, establishment and maintenance of such fireguards shall be determined as follows:—

(a) The chief fire inspector shall each year prepare and submit to every such railway company a statement of the measures necessary for establishing and maintaining the routes of such railways in a condition safe from fire, so far as may be practicable.

(b) Said measures may provide for the cutting and disposal by fire, or otherwise, of all or any growth of an inflammable character, and the burning or other disposal of debris and litter, on a strip of sufficient width on one or both sides of the track; the ploughing or digging of land in strips of sufficient width on one or both sides of the track; and such other work as may, under the existing local conditions and at reasonable expense, tend to reduce to a minimum the occurrence and spread of fire.

(c) Said statements of the chief fire inspector shall be so arranged as to deal with and prescribe measures for each separate portion of such railway upon and adjacent to which the fire risk calls for specific treatment. The intention shall be to adjust the protective measures to the local conditions and to make the expense proportionate to the fire risk and possible damage.

(d) Said statements of the chief fire inspector shall prescribe dates on or within which the foregoing protective measures shall be commenced and completed, and the fire guards maintained in a clean and safe condition.

(e) No such railway company shall permit its employees, agents, or contractors to enter upon land under cultivation, to construct fireguards, without the consent of the owner or occupier of such land.

(f) Wherever the owner or occupant of such land objects to the construction of fireguards, on the ground that the said construction would involve unreasonable loss or damage to property, the company shall *at once* refer the matter to the board, giving full particulars thereof, and shall in the meantime refrain from proceeding with the work.



## SESSIONAL PAPER No. 20c

(g) No agent, employee, or contractor of any such railway company shall permit gates to be left open or to cut or leave fences down whereby stock or crops may be injured or to do any other unnecessary damage to property, in the construction of fireguards.

9. In carrying out the provisions of section 297 of the Railway Act, which enacts that "the company shall at all times maintain and keep its right of way free from dead or dry grass, weeds, and other unnecessary combustible matter," no such railway company or its agents, employees or contractors shall, between the 1st day of April and the 1st day of November, burn or cause to be burned any ties, cuttings, debris, or litter upon or near its right of way, except under such supervision as will prevent such fires from spreading beyond the strip being cleared. The chief fire inspector or other authorized officer of the board may require that no such burning be done along specified portions of the line of any such railway, except with the written permission or under the direction of the chief fire inspector or other authorized officer of the board.

10. The railway company shall provide and maintain a force of fire rangers fit and sufficient for efficient patrol and fire-fighting duty during the period from the 1st day of April to the 1st day of November of each year; and the methods of such force shall be subject to the supervision and direction of the chief fire inspector or other authorized officer of the board.

11. The chief fire inspector shall, each year, prepare and submit to each and every railway company a statement of the measures such railway companies shall take for the establishment and maintenance of said specially organized force. Said statements among other matters may provide for—

(a) The number of men to be employed on the said force, their location and general duties, and the methods and frequency of the patrol.

(b) The acquisition and location of necessary equipment for transporting the said force from place to place, and the acquisition and distributing of suitable fire-fighting tools; and

(c) Any other measures which are considered by him to be essential for the immediate control of fire and may be adopted at reasonable expense.

12. Whenever and while all the locomotive engines used upon any such railway, or any portion of it, burn nothing but oil as fuel, during the aforesaid prescribed period, under such conditions as the board may approve, the board will relieve the said railway of such portion of these regulations as may seem to it safe and expedient.

13. Every such railway company shall instruct and require its sectionmen and other employees, agents and contractors to take measures to report and extinguish fires on or near the right of way as follows:—

(a) Conductors, engineers, or trainmen who discover or receive notice of the existence and location of a fire burning upon or near the right of way, or of a fire which threatens land adjacent to the right of way, shall report the same by wire to the superintendent, and shall also report it to the agent or persons in charge at the next point at which there shall be communication by telegraph or telephone, and to the first section employees passed. Notice of such fire shall also be given immediately by a system of warning whistles.

(b) It shall be the duty of the superintendent or agent or person so informed to notify immediately the nearest forest officer and the nearest section employees of the railway, of the existence and location of such fire.

(c) When fire is discovered, presumably started by the railway, such sectionmen or other employees of the railway as are available shall either independently or at the request of any authorized forest officer, proceed to the fire immediately and take action to extinguish it; provided such sectionmen or other employees are not at the time engaged in labours immediately necessary to the safety of trains.

5 GEORGE V., A. 1915

(10) In case the sectionmen or other employees available are not a sufficient force to extinguish the fire promptly, the railway company shall, either independently or at the request of any authorized forest officer, employ such other labourers as may be necessary to extinguish the fire; and as soon as a sufficient number of men, other than the sectionmen and regular employees, are obtained, the sectionmen and other regular employees shall be allowed to resume their regular duties.

(11) The provisions of this section shall apply to all fires occurring within 300 feet of the railway track, unless proof shall be furnished that such fires were not caused by the railway.

14. Every such railway company shall give particular instructions to its employees in relation to the foregoing regulations and shall cause such instructions to be posted at all stations, terminals and section houses along its lines of railway. In case said instructions are not also carried in employees' time tables during said prescribed period, or in "operating" and "maintenance of way" rule books, they shall, previous to April 1 of each year, be reissued to all employees concerned, in the form of special instructions. The chief fire inspector may waive the above requirements in whole or in part, as to lines or portions of lines where, in his judgment, the fire danger is not material.

15. Every such railway company allowing or permitting the violation of, or in any respect contravening or failing to obey any of the foregoing regulations, shall, in addition to any other liability which the said company may have incurred, be subject to a penalty of one hundred dollars for every such offence.

16. If any employee or other person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a penalty of twenty-five dollars for every such offence.

17. The board may, upon the application of any railway company or other party interested, vary or rescind any order or direction of the chief fire inspector made pursuant to the provisions of this order.

(Signed) H. L. DRAYTON,

*Chief Commissioner.*

#### GENERAL ORDER No. 108.

File 4135.21.

MONDAY, the 11th day of August, A.D. 1913.

In the matter of the consideration of the matter of yard limit boards in connection with railway companies subject to the jurisdiction of the board:

Upon hearing the matter at the sittings of the board held in Winnipeg, May 30, 1913, in the presence of counsel for and representatives of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Canadian Pacific Railway Company, the Grand Trunk and Grand Trunk Pacific Railway Companies, and the Canadian Northern Railway Company, and what was alleged; and upon reading the report of the chief operating officer of the board—

It is ordered that the Canadian Pacific Railway Company withdraw its special rule "F" applying to western lines and hereafter observe the uniform rules of the board regarding yard limits.

(Signed) D'ARCY SCOTT,

*Assistant Chief Commissioner.*

SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 109.

File No. 22939.

WEDNESDAY, the 27th day of August, A.D., 1913.

In the matter of the complaint of the Dominion Millers' Association and the Campbell Milling Company, hereinafter called the "Complainants," against the proposed increase in less than carload mileage rates on grain and grain products, published in tariffs of the railway companies, to take effect September 1, 1913.

Upon reading what is alleged on behalf of the complainants—

It is ordered that the mileage rates on less than carload shipments of grain and grain products, as published in the following schedules, be, and they are hereby, suspended until further order of the board, namely:—

Supplement Number.	To C.R.C. No.	Railway Company.
10	E—2566	Grand Trunk.
11	E—2385	Canadian Pacific.
1	E—176	Canadian Northern (Eastern Lines).
2	E—145	" "
1	E—232	" "
1	2022	Michigan Central.
3	1910	"
8	245	Chatham, Wallaceburg and Lake Erie.
3	242	" "
3	115	Essex Terminal.
4	254	Galt, Preston and Hespeler.
2	80	Schomberg and Aurora.
	951	Ottawa and New York.
3	1468	Pere Marquette.
1	218	Thousand Islands.
5	565	Toronto, Hamilton and Buffalo.
3	627	Wabash.
3	102	Windsor, Essex and Lake Shore.

(Signed) D'ARCY SCOTT,  
Assistant Chief Commissioner.

## GENERAL ORDER No. 110.

File No. 8954.

MONDAY, the 11th day of August, A.D. 1913.

In the matter of the application of Robert De B. Hovell, of Victoria, in the province of British Columbia, for an order directing railway companies to carry as freight passenger's first-class baggage, and the matter of the notice calling upon the railway companies to show cause why trunks containing wearing apparel and personal effects should not be accepted for carriage by freight service, when securely corded.

Upon the hearing of the application and upon the return of summons to show cause at the sittings of the board held in Ottawa, July 3, 1913, counsel for the Grand Trunk, the Canadian Northern, and the New York Central Railway Companies, and for the Canadian Freight Association appearing at the hearing, and what was alleged; and upon the reading of the report of the chief traffic officer of the board—



5 GEORGE V., A. 1915

It is ordered that railway companies subject to the jurisdiction of the board, be, and they are hereby, required to accept and carry by freight, trunks containing wearing apparel and personal effects, when securely corded.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

## GENERAL ORDER No. 111.

File 4214-219.

WEDNESDAY, the 20th day of August, A.D. 1913.

In the matter of the application of Harold W. Riley, of Calgary, in the province of Alberta, for a reconsideration of the order of the board No. 17384, dated September 4, 1912, as amended by Order No. 17492, dated September 14, 1912, prescribed express rates on cream and terms and conditions of service in connection therewith.

Upon hearing the application at the sittings of the board held in Calgary, November 25, 1912, in the presence of representatives of the Central Dairy, of Calgary, the Carlyle Dairy Company, of Calgary, and the Edmonton City Dairy, the applicant and the express companies being represented at the hearing; and upon reading the submissions filed on behalf of the said dairy companies and the express companies—

It is ordered—

1. That the application to amend the said order No. 17384, in so far as it effects the rate basis, be, and it is hereby, refused.

2. That the following rules be substituted for those included in the tariff prescribed by the said order No. 17384:—

1. Returned empty cans, which were carried full by this company under this tariff, will be charged at the rate of 5 cents each to the original point of shipment.

2. The rates shown herein include the collection of full or empty cans at points where the company furnishes a wagon service, but do not include delivery.

3. The consignee may give the company's local agent a written general or continuing notice that until such notice is withdrawn (which shall not be within one month from the date thereof), he desires all his cream delivered by the company's wagons; and on receipt of such notice, and until its withdrawal, the company will furnish the service at an additional charge of 5 cents per can.

NOTE.—Agent will preserve such notices in his possession for reference, and, if withdrawn, for at least one year thereafter.

4. No reduction from these rates will be made for smaller or partially filled cans.

Two 5-gallon cans will not be carried at the rate for a 10-gallon can.

6. Between common points where a competing company may have a shorter line, this company's rates will be based upon the shorter distance.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 112.

File No. 4214.219.

THURSDAY, the 18th day of September, A.D., 1913.

In the matter of the application of Harold W. Riley, of Calgary, in the province of Alberta, for a reconsideration of the order of the board No. 17384 dated September 4, 1912, as amended by order No. 17492, dated September 14, 1912, prescribing express rates on cream and terms and conditions therewith;

And in the matter of the general order of the board No. 111, dated August 20, 1913, made herein.

Whereas it appears that through error in transcription the intent of the judgment in the matter of the application of Harold W. Riley was not fully set forth in the terms of the said general order No. 111;

And whereas this error has been drawn to the attention of the express companies by the board's telegrams, dated September 17, 1913—

It is ordered that the second paragraph of the mandatory portion of the order be amended by the insertion of the following words after the word "That," in the first line of the said paragraph, namely, "the present tariff rates be reduced by 5 cents per can by making them exclusive of delivery, and that."

And it is further ordered that this amendment be operative from the date of the said general order No. 111.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

GENERAL ORDER No. 113.

RULES FOR WIRES CROSSING RAILWAYS.

Section 4 of chapter 50 of the statutes of 1910 is repealed, and the following is enacted as subsection 5 of section 246 of the principal Act:—

10. "An order of the board shall not be required in cases in which wires or other conductors for the transmission of electrical energy are to be erected or maintained over or under a railway, or over or under wires or other conductors for the transmission of electrical energy with the consent of the railway company or the company owning or controlling such last mentioned wires or conductors, in accordance with any general regulations, plans or specifications adopted or approved by the board for such purposes."—1-2 George V, chap 22, sec. 7.

Assented to 19th May, 1911.

WEDNESDAY, the 5th day of November, A.D., 1913.

In the matter of Section 246 of the Railway Act, for the carrying of wires and cables across the tracks of railways under the jurisdiction and subject to the control of the board: File 9690, Case 4704, Part VII.

Upon the report and recommendation of the electrical engineer of the board—

It is ordered:

1. That the conditions and specifications set forth in the schedule hereunto annexed, under the heading, "Rules for Wires Crossing Railways," be, and the same are hereby, adopted and confirmed as the conditions and specifications applicable to the erection, placing, or maintaining of electric lines, wires, or cables across all railways subject to the jurisdiction of the board: Part 1 being applicable where the line or lines, wire or wires, cable or cables, is or are carried over the railway; part 2 being applicable where the line or lines, wire or wires, cable or cables, is or are carried under the railway.

5 GEORGE V., A. 1915

2. That any order of the board granting leave to erect, place, or maintain any line or lines, wire or wires, cable or cables, across the railway and referring to "Rules for Wires Crossing Railways," shall be deemed as intended to be a reference to the conditions and specifications set out in that part of the said Schedule which is applicable to the mode of crossing authorized.

3. That every order of the board granting leave to erect, place or maintain any line or lines, wire or wires, cable or cables, across any railway subject to the jurisdiction of the board, shall, unless otherwise expressed, be deemed to be an order for leave to erect, place and maintain the same under and according to the conditions and specifications set out in that part of the said Schedule applicable thereto, which conditions and specifications shall be considered as embodied in any such order without specific reference thereto, subject, however, to such change or variation therein or thereof as shall be expressed in such order.

4. That the order of the board No. 8392, dated October, 1909, approving of "The Standard Conditions and Specifications for Wire Crossings," and the conditions and specifications adopted thereby, be, and the same is hereby, rescinded.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

#### NOTICE TO APPLICANTS (See page 2).

When the interested company's consent cannot be procured and an application to the board becomes necessary, send to the secretary of the board (postage free) with the application, three copies of a sketch or drawing 8 by 16 inches showing:—

(a) The location of the poles or towers, or the location of the underground conduit in relation to the track; the dimensions of poles or towers; and the material or materials of which they are made.

(b) The proposed number of wires, or cables, the distance between them and the track, and the method of attaching the conductors to the insulators.

(c) The location of all other wires to be crossed, and their supports.

(d) The maximum potential, in volts, between wires, the potential between the wires and the ground, and the maximum current, in amperes, to be transmitted.

(e) The kinds and sizes of wires or conductors to be used at the crossing.

(f) On circuits of 10,000 volts, or over, the method of protecting the conductors from arcs at the insulators.

(g) The number of insulators supporting the conductors at the crossing. (See also) "J" in Specifications.

N.B.—Place a distinguishing name, number, date and signature upon the drawing. Mark the exact location of the proposed crossing upon the drawing, by stating the distance in miles from the nearest railway station—N., E., S. or W.—so that this crossing can readily be identified.

#### STANDARD CONDITIONS AND SPECIFICATIONS FOR WIRE CROSSINGS.

##### *Part I.—Over-Crossings.—Conditions:*

1. The applicant shall, at its or his own expense, erect and place the lines, wires, cables, or conductors authorized to be placed across the said railway, and shall at all times, at its own expense, maintain the same in good order and condition and at the height shown on the drawing, and in accordance with the specifications hereinafter set forth, so that at no time shall any damage be caused to the company owning, operating, or using the said railway, or to any person lawfully upon or using the same, and shall use all necessary and proper means to prevent any such lines, wires, cables, or conductors from sagging below the said height.



## SESSIONAL PAPER No. 20c

2. The applicant shall at all times wholly indemnify the company owning, operating, or using the said railway, of, from, and against all loss, cost, damage, and expense to which the said railway company may be put by reason of any damage or injury to person or property caused by any of the said wires or cables or any works or appliances herein provided for not being erected in all respects in compliance with the terms and provisions of this order, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of the employees or agents of the applicant.

3. No work shall at any time be done under the authority of this order in such a manner as to obstruct, delay or in any way interfere with the operation or safety of the trains or traffic of the said railway.

4. Where, in affecting any such crossing, it is necessary to erect poles between the tracks of the railway, the applicant, before any work in connection with such crossing is begun, shall give the railway company owning, operating, or using the said railway, at least seventy-two hours' prior notice thereof in writing, and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed three dollars per day, shall be paid by the applicant. When the applicant is a municipality and the crossing is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.

4a. It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company as above provided in regard to necessary work to be done in connection with the repair or maintenance of the crossing when such work becomes necessary through an unforeseen emergency.

5. [Where wires or cables to be erected across the railway are to be carried above, below, or parallel with existing wires, at the crossing, either within the span to be constructed across the railway or within the span thereto on either side, such additional precautions shall be taken by the applicant as the engineer of the board shall consider necessary.

6. Nothing in these conditions shall prejudice or detract from the right of the company owning, operating, or using the railway to adopt at any time the use of electric or other motive power, and to place and maintain over, upon, or under its right of way, such poles, lines, wires, cables, pipes, conduits, and other fixtures and appliances as may be necessary or proper for such purpose. Liability for the cost of any removal, change in location or construction of the poles, lines, wires, cables or other fixtures or appliances erected by the applicant over or under the tracks of the said railway company, rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the board on the application of any party interested.

7. Any disputes, arising between the applicant and the said railway company as to the manner in which the said wires or cables are being erected, placed, maintained, used or repaired, shall be referred to the engineer of the board whose decision shall be final.

8. The wires or cables of the applicant shall be erected, placed and maintained across the said railway in accordance with the drawing approved by the board and the specifications following. If the drawing and specifications differ the latter shall govern unless a specific statement to the contrary appears in the order of the board.

9. In every case in which the line of a railway company shall be constructed under the wires or cables of a telegraph or telephone company the construction of the telegraph or telephone company shall be made to conform to the foregoing specifications, and any changes necessary to make it so conform shall be made by the telegraph or telephone company at the cost and expense of the railway company.

*Over-crossings:—Specifications:*

*A. Labeling of poles.*—Poles, towers, or other wire supporting structures on each side of and adjacent to railway crossings, to be equipped with durable labels showing (a) the name of the company or individual owning or maintaining them, and (b) the maximum voltage between conductors; the characters upon the labels to be easily distinguished from the ground.

*B. Separate lines.*—Two or more separate lines for the transmission of electrical energy shall not be erected or maintained in the same vertical plane. The word "lines," is here used, to mean the combination of conductors and the latter's supporting poles, or towers, and fittings.

*C. Location of poles, etc.*—Poles, towers, or other wire-supporting structures to be located generally a distance from the rail not less than equal to the length of the poles or structures used. Poles, towers, or other wire-supporting structures must under no consideration be placed less than 12 feet from the rail of a main line, or less than 6 feet from the rail of a siding. At loading sidings sufficient space to be left for driveway.

*D. Setting and strength of poles.*—Poles less than 50 feet in length to be set not less than 6 feet and poles over 50 feet not less than 7 feet in solid ground. Poles with side strains to be reinforced with braces and guy wires. Poles to be at least 7 inches in diameter at the top—mountain cedar poles to be at least 8 inches at the top. In soft ground poles must be set so as to obtain the same amount of rigidity as would be obtained by the above specifications for setting poles in solid ground. When the crossing is located in a section of the country where grass or other fires might burn them, wooden poles to be covered with a layer of some satisfactory fire-resisting material, such as concrete at least two inches thick, extending from the butt of the pole for a distance of at least 5 feet above the level of the ground. Wooden structures to have a safety factor of five.

*E. Setting and strength of other structures.*—Towers and other structures to be firmly set upon stone, metal, concrete, or pile footings or foundations. Metal and concrete structures to have a safety factor of 4.

*F. Length of span.*—Span must be as short as possible consistent with the rules of setting and locating of poles and towers.

*G. Fittings of Wooden Poles for Telegraph, Telephone, or similar low Tension Lines.*—The poles at each side of a railway must be fitted with double cross-arms, dimensions not less than 3 inches by 4 inches, each equipped with 1½-inch hardwood pins, nailed in arms, or some stronger support and with suitable insulators; cross-arms to be securely fastened to the pole in a girth by not less than a ½-inch bolt through the pole; arms carrying more than two wires or carrying cable must be braced by two stiff iron or substantial wood braces fastened to the arms by ½-inch or larger bolts, and to the pole by a ½-inch or larger bolt.

*H. Fittings of all Poles, Towers, or other Structures.*—All wire-supporting structures to be equipped with fittings satisfactory to the engineer of the board.

*I. Guards.*—Where cross-arms are used, an iron hook guard to be placed on the ends of and securely bolted to each. The hooks shall be so placed as to engage the wire in the event of the latter's detachment from the insulators.

*J. Insulators.*—All wires or conductors for the transmission of electrical energy across a railway to be supported by and securely attached to suitable insulators.

Wires or conductors in 10,000-volt (or higher) circuits, to be supported by insulators capable of withstanding tests of two and one-half times the maximum voltage to be employed under operating conditions. An affidavit describing the tests to which the insulators have been subjected and the apparatus employed in the tests shall be supplied by the applicant. The tests upon which reports are required are as follows:

## SESSIONAL PAPER No. 20c

*J-a. Puncture or Rupture Test.*—The insulators having been immersed in water for a period of 7 days, immediately preceding and ending at the time of the test, to be subjected for a period of five minutes to a potential of two and one-half (2.5) times the maximum potential of the line upon which they are to be installed.

*J—b. Flash-over Test.*—State the potentials that were employed to cause arcing or flashing across the surface of the insulator between the conductor and the insulator's point of support when the surface was (1) dry, and (2) wet.

*K. Height of Wires.*—(a) *Low Tension Conductors.* The lowest conductor must not be less than 25 feet from top of rail for spans up to 145 feet;  $2\frac{1}{2}$  feet additional clearance of rails or other wires must be given for every 20 feet or fraction thereof additional length of span. The words "low tension," as here used, to mean conductors for telegraph, telephone, and kindred signal work, as well as conductors connected with grounded secondary circuits of transformers below 350 volts.

*K—b. All Primary Conductors, Underground Secondaries and Railway Feeders* to be maintained at least 30 feet above the top of rail—except where special provisions are made for trolley wires.

*K—c. High Tension Conductors*, those between which a potential of 10,000 volts or over is employed, to be maintained at least 35 feet above the top of rail.

*L. Clearances.*—Safe clearances between all conductors to be maintained at all times. The following distances to be provided wherever possible: at least 3 feet clearance from low tension wires; at least 5 feet between low tension wires, primaries, ungrounded secondaries, and railway feeders employing less than 10,000 volts; at least 10 feet between high tension wires and all other lines.

*M. Guy Wires.*—Guy wires at railway crossings to be at least as strong as 7 strand No. 16 Stub's or New British Standard gauge galvanized steel wire, and to be clearly indicated as guy wire on the drawing accompanying the application. One or more strain insulators to be placed in all guy wires; the lowest strain insulator to be not less than 8 feet above the ground.

*N. Wires, and other Conductors.* *N—a.* Where open telephone, telegraph, signal or kindred low tension wires are strung across a railway this stretch to consist of copper wire or copper-clad steel wire, not less than No. 13 New British Standard gauge, .092 inch in diameter. Wire to be securely tied to insulators by a tie wire not less than 20 inches in length and of the same diameter as the line wire.

*N—b.* Where No. 9 B.W.G., or larger, galvanized iron or steel wire is employed in a circuit, and where there is no danger of deterioration from smoke or other gases, the use of this wire may be continued at the crossing.

*N—c.* Where a number of rubber covered wires are strung across a railway they may be made up into a cable by being twisted on each other or otherwise held together and the whole securely fastened to the poles.

*N—d.* Wires or other conductors for the transmission of electrical energy for purposes other than telegraph, telephone, or kindred low tension signal work, to be composed of at least 7 strands of material having a combined tensile strength equivalent to or greater than No. 4 Brown & Sharpe gauge hard drawn copper wire. These conductors to be maintained above low tension wires at the crossing, to be free from joints or splices, and to extend at least one full span of line beyond the poles or towers at each side of the railway.

*N—e.* Wires or other conductors subjected to potentials of 10,000 volts or over, to be reinforced by clamps, servings, wrappings, or other protection at the insulators to the satisfaction of the Engineer of the board.

*N—f.* Conductors for other than low tension work to have a factor of safety of 2 when covered with ice or sleet to a depth of 1 inch and subjected to a wind pressure of 8 lbs. per square foot on the ice-covered diameter.

*N—g.* All conductors to be dead ended or so fastened to their supporting insulators at each side of the crossing that they cannot slip through their fastenings.



*U. Positions of Wires.*—Wires or conductors of low potential to be erected and maintained below those of higher potential which may be attached to the same poles or towers.

*P. Trolley Wires.*—Trolley wires at railway crossings to be provided with a trolley wheel or arranged as to keep the trolley wheel or other rolling, sliding or scraping device in electrical contact. The trolley wire, trolley guard and their supports to be maintained at least 22 feet 6 inches above the top of the rails.

*C. Cable.*—Cable to be carried on a suspension wire at least equivalent to 7 strands of No. 13 Stub's or New British Standard gauge galvanized steel wire. When cross-arms are used, suspension wire to be attached to a  $\frac{3}{4}$ -inch iron or stronger hook, or when fastened to poles to a malleable iron or stronger messenger hanger bolted through the poles, the cable to be attached to the suspension wire by cable clips not more than 30 inches apart. Rubber insulated cables of less than  $\frac{3}{4}$ -inch in diameter may be carried on a suspension wire of not less than 7 strands of No. 16 Stub's or New British Standard gauge galvanized steel wire. The word "cable" as here used, to mean a number of insulated conductors bound together.

### *Part II.—Under-crossings.—Conditions:*

1. The line or lines, wire or wires, shall be carried across the railway in accordance with the approved drawing, and a pipe or pipes, conduit or conduits, cable or cables shall, for the whole width of the right of way adjoining the highway, be laid at the depth called for by, and shall be constructed and maintained in accordance with, the specifications hereinafter set forth.

2. All work in connection with the laying and maintaining of each pipe, conduit or cable and the continued supervision of the same, shall be performed by, and all costs and expenses thereby incurred be borne and paid by the applicant; but no work shall at any time be done in such manner as to obstruct, delay, or in any way interfere with the operation or safety of the trains, traffic or other work on the said railway.

3. The applicant shall at all times maintain each pipe, conduit or cable in good order and condition, so that at no time shall any damage be caused to the property of the railway company, or any of its tracks be obstructed, or the usefulness or safety of the same for railway purposes be impaired, or the full use and enjoyment thereof by the said railway company be in any way interfered with.

4. Before any work of laying, removing, or repairing any pipe, conduit or cable is begun, the applicant shall give to the railway company at least seventy-two hours prior notice thereof, in writing, accompanied by a plan and profile of the part of the railway to be affected, showing the proposed location of such pipe or conduit and works contemplated in connection therewith, and the said railway company shall be entitled to appoint an inspector to see that the applicant, in performing said work, complies, in all respects, with the terms and conditions of this order, and whose wages, at a rate not exceeding \$3 per day, shall be paid by the applicant. When the applicant is a municipality and the crossing is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.

4-a. It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company, as above provided, in regard to necessary work to be done in connection with the repair or maintenance of the crossing when such work becomes necessary through an unforeseen emergency.

5. The applicant shall, at all times, wholly indemnify the company owning, operating, or using the said railway of, from and against all loss, costs, damage, and expenses which the said railway company may be put by reason of any damage or injury to person or property caused by any pipe, conduit, cable or any works or appliances herein, or in the order authorizing the work provided for, not being laid and constructed in all respects in compliance with the terms and provisions of these conditions, or if, when so constructed and laid, not being at all times maintained and

## SESSIONAL PAPER No. 20c

kept in good order and condition and in accordance with the terms and provisions of said order, or any order or orders of the board in relation thereto, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of any of the employees or agents of the applicant.

6. Nothing in these conditions shall prejudice or detract from the right of any company owning, or operating or using the said railway to adopt, at any time, the use of electric or other motive power, and to place and maintain upon, over, and under the said right of way such poles, wires, pipes and other fixtures and appliances as may be necessary or proper for such purposes. Liability of the cost of any removal, change in location or construction of the pipes, conduits, wires, or cables constructed or laid by the applicant rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the board on the application of the party interested

7. Any dispute arising between the applicant and the company owning, using, or operating said railway as to the manner in which any pipe or conduit, or any works or appliances herein provided for, are being laid, maintained, renewed, or repaired, shall be referred to the engineer of the board, whose decision shall be final and binding on all parties.

*Under-crossing.—Specifications:*

*A.A. Conduit.*—Vitrified clay, creosoted wood, metal pipe, armoured cable or fibre conduit may be used.

*B.B. Depth.*—The excavation to be of sufficient depth to allow the top of the duct to be at least 3 feet below the bottom of the ties of the railway track.

*C.C. Laying.*—The conduit or duct to be laid on a base of 3 inches of concrete, mixed in proportion, 1 of cement, 3 of sand and 5 of broken stone or gravel. Where stone is used, such stone to be of a size that will permit of its passing through a 1-inch ring. After ducts are laid, the whole to be encased to a thickness of 3 inches on top and sides in concrete mixed in the same proportions as above.

Where the track is on an embankment a pipe may be driven through the latter.

*D.D. Filling in.*—The excavation must be filled in slowly and well tamped on top and side.

*E.E. Guard.*—The excavation must at all times be safely protected by the applicant.

Wednesday, the 12th day of November, A.D., 1913.

In the matter of the application of the Bell Telephone Company of Canada, herein after called the "Applicant Company", under section 360 of the Railway Act, for approval of general form of contract to be entered into between the Applicant Company and any other Company, Municipality, or Corporation having authority to construct and operate a Telephone System or Line, on File with the Board under File No. 3839, Case No. 538, Part II:

Upon the hearing of the application at the sittings of the board held in Toronto, April 30, 1913, in the presence of counsel for the applicant company and the Independent Telephone Companies, and what was alleged; and upon the reading of the written submissions, filed—

It is ordered that the general form of contract to be entered into between the applicant company and any other company, municipality, or corporation having authority to construct and operate a telephone system or line, for the interchange of telephone messages or service passing to or from their respective telephone systems and lines, the division or apportionment of telephone tolls, and the management, working, or operation of their respective telephone systems or lines, herein set out, be, and it is hereby, approved, namely:

"Memorandum of Agreement made in  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 nineteen hundred and \_\_\_\_\_  
 Between:  
 'The Bell Telephone Company of Canada, Limited, hereinafter called the 'Bell  
 Company,' \_\_\_\_\_ of the first part.  
 \_\_\_\_\_ and  
 hereinafter called the 'Proprietor', with headquarters at \_\_\_\_\_  
 \_\_\_\_\_ of the second part.

"Whereas the proprietor at present operates or is about to operate a \_\_\_\_\_ tele-  
 phone system known as \_\_\_\_\_ in the county of \_\_\_\_\_  
 province of \_\_\_\_\_ which system is not operating in competition with the  
 Bell Company:

"And whereas the parties hereto consider that the interests of the public, and  
 their interests, will be promoted by connecting together their respective telephone  
 systems for the purpose of interchanging telephonic communications.

"Now this agreement witnesseth that in consideration of the mutual promises and  
 agreements hereinafter contained, the parties hereto agree as follows:—

"1. For an interchange at \_\_\_\_\_ of telephone communications be-  
 tween the subscribers and other patrons of the proprietor and the subscribers and other  
 patrons of the Bell Company; and subject to the provisions of clauses 2 and 4 hereof  
 to the furnishing of necessary switchboard and operating facilities for such inter-  
 change at the charges hereinafter set forth: the party owning the switchboard by which  
 the interchange is carried on shall not be required to furnish additional switchboard  
 facilities for the purpose of providing a local interchange of messages with or between  
 the subscribers and patrons of the other party, unless the first mentioned party oper-  
 ates an exchange of more than ten (10) local subscribers at said point.

"In case the said exchange is not operated for more than ten (10) local subscribers,  
 and the party owning the switchboard declines to provide the additional switchboard  
 facilities for the purpose aforesaid, the other party may establish its own exchange; and  
 the connection for interchange of communications shall thereafter be continued by  
 means of trunk circuits, and the systems shall not be considered on that account as  
 competing.

"2. In case the necessary switchboard and operating facilities for the lines of the  
 proprietor's system are not furnished by the proprietor as provided by clause 4 hereof,  
 the Bell Company shall, subject to the exception mentioned in clause No. 1 hereof,  
 provide such facilities, and the proprietor in that event shall pay the Bell Company  
 the sum of \_\_\_\_\_ dollars per annum, payable semi-annually in advance,  
 for each telephone set connected to the lines of the system of the proprietor which ter-  
 minates upon the Bell Company's switchboard, other than trunk circuits or party lines  
 on the toll plan, which amount shall entitle the subscribers of the proprietor to local  
 service to or from the subscribers of the Bell Company's exchange at \_\_\_\_\_  
 and shall also cover the necessary local switching among the subscribers of the pro-  
 prietor and also between subscribers of the proprietor and subscribers of other telephone  
 systems connected with the said exchange (other than by trunk circuits or by party  
 lines on the toll plan).



## SESSIONAL PAPER No. 20c

"3. In all cases where the proprietor is paying an annual charge, as provided for in clause 2 hereof, the charge for each message or conversation transmitted between non-subscribers of the proprietor and subscribers or non-subscribers of the Bell Company at also between non-subscribers of the Bell Company at and subscribers or non-subscribers of the proprietor, shall be such charge to be divided to the Bell Company and the balance to the proprietor.

"4. In case the proprietor is operating or may, during the period of this agreement, operate and maintain the proprietor's own switchboard, such switchboard being connected by trunk circuits with the Bell Company's exchange at the charge for each message or conversation to or from subscribers and patrons of the Bell Company connected with such exchange shall be cents, and the amount of such charge shall accrue to the party upon whose system the message or conversation terminates: Provided, however, that by mutual agreement, the aforesaid charges may be commuted, substituting therefor an annual payment for each telephone set connected to the proprietor's switchboard or exchange.

"5. In case the proprietor is operating, or is about to operate, rural party lines and does not wish to connect with the Bell Company in the manner mentioned in clause 2 or clause 4 hereof, the Bell Company shall, subject to the exception mentioned in clause 1 hereof, provide the switchboard facilities to connect such lines of the proprietor with its exchange at and the charge for each message or conversation to or from subscribers and patrons of the Bell Company connected with such exchange shall be cents, and the amount of such charge shall accrue to the party upon whose system the message or conversation terminates.

"6. In all cases where trunk circuits or party lines on the toll plan connect with the Bell Company's exchange at the latter company shall receive a switching charge of 5 cents on each message or conversation transmitted over such trunk circuits or party lines on the toll plan to or from the lines of other telephone systems whose lines terminate upon said exchange and whose switching is done by the Bell Company, as provided for in clause No. 2 or clause No. 5 hereof. This switching charge shall be payable by the system on whose lines the message or conversation originates, and unless otherwise provided for by mutual agreement between any two systems connecting at such exchange, there shall (except in the case of intercommunications between two trunk circuits) be a further charge of cents, payable to the Bell Company on each message or conversation transmitted as in this clause mentioned, which further charge, however, shall be paid over by the Bell Company and shall accrue to the system upon whose lines the message or conversation terminates.

"7. In all cases where two or more telephone systems connect by trunk circuits with the Bell Company's exchange at a switching charge of five cents (5c) shall accrue to the Bell Company on each message or conversation originating on one of such telephone systems switched through the Bell Company's exchange to the other telephone system, and the system on which the message or conversation originates, shall be responsible to the Bell Company for the charge.

"8. The charge for each message or conversation transmitted to or from points on the system of the proprietor and to or from points on the system of the Bell Company other than shall be the established long distance rates of the Bell Company, plus the proprietor's charge of each party to receive its own charge, and the party on whose line the call originates shall collect and be responsible for such charge. Provided, however, that the Bell Company shall not be obliged to collect and be responsible for the proprietor's charge if the proprietor fails to collect a like charge on messages originating on the proprietor's system.

"9. The charges provided for in clauses No. 2 and 4 hereof shall apply, for the same class of service, to all telephone systems or lines which are or many become connected with the Bell Company's exchange at during the period of this agreement.

"10. Unless otherwise provided herein, the rates and tolls charged shall be for day service only, unless at the date of this agreement the party operating the exchange at [redacted] is furnishing its subscribers with continuous service, in which case the rates and tolls shall include such service.

"11. The Bell Company's representative at [redacted] shall establish connections, time and supervise all conversations, check duration of same, and compute the charge according to each party, and when required, the length of time and amount of charge shall be stated at the termination of each conversation or message for the information of the person who originates the call.

"12. The proprietor shall adopt the Bell Company's standard code signals for ringing subscribers on party lines, where said lines terminate upon the Bell Company's switchboard.

"13. The proprietor shall adopt and observe in the handling of interchanged telephonic communications the operating rules of the Bell Company, and for all communications passing over the Bell Company's lines or involving the equipment of the Bell Company, shall require the subscribers and other patrons of the proprietor to observe such rules and regulations of the Bell Company.

"14. Each party shall collect all tolls for communication interchanged under this contract originating on its system, and account to and be responsible to the other party for its portion of such tolls.

"15. Where the Bell Company operates the exchange through which the interchange is carried on, its representative at such exchange shall furnish monthly to the proprietor toll accounts in detail for amounts accruing to the Bell Company against each subscriber's station on the lines of the proprietor connecting directly with the Bell Company's switchboard other than by trunk circuits.

"16. Each month a summary of business interchanged during the preceding month shall be furnished by the Accounting Department of the Bell Company to the proprietor, represented by [redacted] at [redacted] and a settlement shall be made of the amount due to either party within thirty (30) days after the receipt of such summary, and after the expiration of the aforesaid thirty (30) days, interest at the rate of six per cent (6 p.c.) per annum shall be added to all accounts in arrear, and in the event of the said amount, with interest, not being paid at the expiration of three months from the date of the aforesaid summary being furnished, then the party not in default may cancel this agreement.

"17. The proprietor shall place approved air gap lightning protectors, properly grounded, at the junction point where the lines of the proprietor connect with the lines of the Bell Company.

"18. Each party hereto shall maintain its liners and instruments in good working order, and make all repairs thereto with reasonable despatch.

"19. The proprietor shall indicate upon maps to be furnished by the Bell Company, the location of the proprietor's pole routes and public pay stations, and shall furnish such information with respect to the names and address of subscribers as may be reasonably needed by the Bell Company in making proper directory listings and for the proper handling of traffic.

"20. Upon request of the Bell Company, the proprietor shall furnish promptly a list of the proprietor's subscribers for publication previous to the issue of the Bell Company's Telephone Directory; but the proprietor shall in no way hold the Bell Company liable for any errors or omissions in the printing or listing of such subscribers. The Bell Company, however, shall be under no obligation to publish a list of the proprietor's subscribers unless the proprietor purchases from the Bell Company at cost a copy of at least one issue per annum of such directory for each of the proprietor's subscribers.

"21. Neither party shall be liable to the other for any error in sending messages or for the failure of any conversation, whether it be the fault of any operator, agent,

## SESSIONAL PAPER No. 20c

or other person, or from any cause whatsoever, and each party hereto shall alone be liable (if there be any liability) for any accident, damages, losses, or costs, occurring or incurred at or on its lines or instruments.

"22. Each party hereto reserves the right to refuse the interchange service with subscribers or other patrons in cases where the telephone equipment or lines are not in sufficiently good condition to provide commercial transmission.

"23. In the event of either party to the present agreement making an assignment for the benefit of its creditors, or becoming bankrupt or insolvent, the other party may by simple notification in writing, cancel and annul the present contract, unless some reasonable security is given to such last party to recover all sums of money which might then be due to it under the terms hereof.

"24. The present contract is entered into subject to the approval of the Ontario Railway and Municipal Board, and shall have no force or effect until approval is given. The Bell Company agrees forthwith to apply for and take out an order from the said board granting such approval, and upon the said order being issued, the proprietor shall recoup the Bell Company for one-half of any charge or fee paid to the said board on account of the issue of such order.

"25. The present contract is entered into subject to the approval of the Board of Railway Commissioners for Canada, in so far as such approval may be necessary.

"26. In the event of either party entering into competition with the other, the present contract may be terminated by the Board of Railway Commissioners for Canada, upon the application of the party aggrieved and proof of the existence of such competition, and in such case the connection shall be continued only for long distance purposes, on the terms and conditions of order No. 14134 of the said board, or as such order may be modified from time to time by the Board and such other conditions as the board may impose.

"27. This agreement shall enure to and be binding upon the parties hereto and their successors or assigns, but shall not be transferable by either party without the consent of the Board of Railway Commissioners for Canada, and shall continue for a term of \_\_\_\_\_ years from \_\_\_\_\_ day of \_\_\_\_\_ nineteen hundred and \_\_\_\_\_ and in the absence of written notice to be given by either party to the other, sixty(60) days prior to the expiration of such term, shall continue and remain in force from year to year thereafter until cancelled by written notice to be given by either party at least sixty (60) days prior to the expiration of any yearly period.

"In witness whereof the parties hereto have executed these presents.

THE BELL TELEPHONE COMPANY OF CANADA, LIMITED."

*Secretary.*

*President.*

(Signed) H. L. DRAYTON,

*Chief Commissioner.*

## GENERAL ORDER No. 115.

FRIDAY, the 19th day of December, A. D. 1913.

In the matter of the tariffs filed by railway companies subject to the jurisdiction of the board, imposing a charge for the detention of refrigerator cars over and above the car service charges prescribed by order of the board No. 906, dated January 25, 1906. File 1700.65.

In pursuance of the powers conferred upon it under sections 30 and 323 of the Railway Act and all other powers possessed by the board in that behalf—

It is ordered that, for the present and pending investigation by the board, the following tariffs, namely: Grand Trunk Railway Company's C.R.C. No. E2858;



5 GEORGE V., A. 1915

Canadian Pacific Railway Company's C.R.C. No. E2716; Canadian Northern Railway Company's C.R.C. No. E358; Michigan Central Railroad Company's C.R.C. No. 2162; Toronto, Hamilton and Buffalo Railway Company's C.R.C. No. 945; and Ottawa and New York Railway Company's C.R.C. No. 989, be, and they are each of them hereby, suspended.

(Signed) H. L. DRAYTON,  
Chief Commissioner.

## GENERAL ORDER No. 116.

WEDNESDAY, the 24th day of December, A.D., 1913.

In the matter of the tariffs filed by railway companies subject to the jurisdiction of the board, increasing the minimum carload weights on buckwheat, oats, bran (in bulk), dried beet pulp, oat hulls (in bulk), pea hulls (in bulk), shorts, beets (except sugar), onions, turnips, and potatoes: File 23414.

In pursuance of the powers conferred upon it under sections 30 and 323 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that, for the present and pending investigation by the board, the said increased minimum carload weights on buckwheat, oats, bran (in bulk), dried beet pulp, oat hulls (in bulk), pea hulls (in bulk), shorts, beets (except sugar), onions, turnips, and potatoes, as published in the following schedules, namely:—

	C.R.C. No.
Grand Trunk. . . . .	E. 2857
Grand Trunk. . . . .	E. 2859
Grand Trunk, Supplement 14 to. . . . .	E. 2566
Grand Trunk, Supplement 4 to. . . . .	E. 2708
Canadian Pacific. . . . .	E. 2715
Michigan Central, Supplements 3 and 4 to. . . . .	2022
Michigan Central, Supplement 1 to. . . . .	1998
Michigan Central, Supplement 3 to. . . . .	1721
Michigan Central. . . . .	2159
Canadian Northern, Supplement 5 to. . . . .	E. 144
Canadian Northern, Supplement 7 to. . . . .	E. 145
Canadian Northern, Supplement 6 to. . . . .	E. 176
Canadian Northern, Supplement 1 to. . . . .	E. 210
Canadian Northern, Supplement 4 to. . . . .	E. 232
Ottawa & New York. . . . .	986
Ottawa & New York, Supplement 1 to. . . . .	215
Ottawa & New York, Supplement 1 to. . . . .	417
Ottawa & New York, Supplement 3 to. . . . .	755
Wabash. . . . .	758
Pere Marquette. . . . .	1696
Niagara, St. Catharines & Toronto, Supplement 3 to. . . . .	601
Toronto, Hamilton & Buffalo. . . . .	943
Quebec, Montreal & Southern. . . . .	493
Hamilton, Grimsby & Beamsville. . . . .	138
Napierville Junction. . . . .	121
Thousand Islands, Supplement 5 to. . . . .	218
Schomberg & Aurora, Supplement 6 to. . . . .	80
Hull Electric. . . . .	F. 17
Essex Terminal. . . . .	214
Windsor, Essex & Lake Shore Rapid. . . . .	131
Chatham, Wallaceburg & Lake Erie. . . . .	312

be, and they are hereby, suspended.

(Signed) H. L. DRAYTON,  
Chief Commissioner.

SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 117.

File No. 4397-11.

THURSDAY, the 8th day of January, A.D. 1914.

In the matter of the minimum through charge of the express companies subject to the jurisdiction of the board for shipments of express freight carried by two or more companies in Canada.

Upon the consideration of the matter with representatives of the express companies, and the reading of what has been filed, and the recommendations of the chief traffic officer of the board—

It is ordered as follows:—

1. On and after February 1, 1914, shipments of express freight subject to the table of graduate charges for shipments weighing less than 100 pounds incorporated in the Express Classification for Canada approved by the board, the carriage of which between points in Canada involves the services of two or more express companies subject to the jurisdiction of the board, shall be charged the appropriate "graduate" under the lowest through or aggregate rate per 100 pounds.

2. Section (c) of rule No. 9 of the conditions of carriage of the said Express Classification, imposing (subject to qualification) a minimum through charge of 60 cents when the through or aggregate rate per 100 pounds is less than two dollars, shall be abolished on and after the said date.

3. The said express companies shall, by lawful notice, jointly publish and file an amendment to the said Express Classification giving effect to this order on the said date.

(Signed) H. L. DRAYTON,  
*Chief Commissioner.*

## GENERAL ORDER No. 118.

File No. 548.

THURSDAY, the 15th day of January, A.D. 1914.

In the matter of the complaint of W. G. McMahon, of Winnipeg, Man., with respect to the refusal of railway companies to accept carload and less-than-carload freight for flag stations when consigned "to order."

Upon hearing the matter at the sittings of the board held in Ottawa, October 23, 1913, in the presence of counsel for the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railway Companies, and what was alleged—

It is ordered:—

1. That railway companies subject to the jurisdiction of the board accept freight consigned "to order," for delivery at "flag" stations, provided—

(a) That the shipper consign the freight to the regular station of the delivering carrier on the direct route, nearest to, but short of, the flag station where delivery is desired;

(b) That the said shipper show on his shipping order the full address of the person to be notified of the arrival of the freight at the said regular station, and the name of the flag station at which delivery is desired.

2. That the said addressee be given forty-eight hours, exclusive of legal holidays, from the time of the despatch to him of the said arrival notice, within which to give the agent in whose care the goods are held the endorsed bill of lading and directions for re-shipment to the flag station, lawful demurrage or warehouse storage, as the case may be, to be chargeable after the lapse of the said time allowance for any further delay in delivering the said bill of lading and directions.

3. That the additional charge for the further carriage from the said regular station to the flag station be the lawful local rate between the said stations in the case of less-than-carloads, and three dollars per car and the balance (if any) of the through rate from the original point of shipment, in the case of carloads.

(Signed) D'ARCY SCOTT,  
Assistant Chief Commissioner.

*File 548. Shipments consigned "To Order" to Flag Stations.*

ASSISTANT CHIEF COMMISSIONER:

Mr. W. G. McMahon, of Winnipeg, has brought to the attention of the board the practice of railway companies of refusing to take shipments, either C.L., or L.C.L. to flag stations, when consigned "to order."

As a railway company has no agent at a flag station to guard the property pending proof of ownership by the production and surrender of the endorsed bill of lading, it is quite justified in refusing to accept shipments to flag stations when consigned "to order."

This question was set down for the sittings at Ottawa, on the 23rd October last, for discussion with the railway companies; the Canadian Pacific, the Grand Trunk, the Canadian Northern, the Michigan Central, and the Canadian Freight Association being notified. After hearing what was submitted by the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company—the other parties notified not appearing—the matter was reserved.

It would be convenient in many cases, to both shippers and consignees, if some arrangement could be made to provide for shipments consigned "to order" being sent to flag stations. As I have already said, they cannot be sent direct to flag stations; but such shipments might be consigned to the nearest regular station short of the flag station and the consignee notified, his address being given in the shipping order by the shipper for this purpose. He could then send the endorsed bill of lading and the freight charges, if any, to the company's agent, or produce them in person, and the goods could then be sent on from the regular station to the flag station.

For the re-consignment from the agency station to the flag station, in the case of L.C.L. shipments, it would be fair to permit the railway company to collect the local rate. It must be remembered that the railway company would have to perform a special service, and it should be paid a fair amount for it. The goods upon reaching the regular station, in the case of L.C.L., would have to be unloaded into the freight house and left there until the consignee sent, or called with, the endorsed bill of lading. The goods would have to be then re-loaded and again unloaded at the flag station. I think in such cases, the local rate from the billing point on to the flag station would be fair remuneration to the railway company.

In the case of carloads, the unloading and re-loading mentioned in the case of L.C.L. would, of course, not have to be done. The car would be put on the siding and left there, and the consignee notified. Then, when he had done what was necessary to release the car, it would be picked up by a way freight and left at the flag station. It seems to me that for this service, the rate should be through rate to the flag station, plus a three-dollar additional charge for the extra terminal service and for re-billing. This is the general charge which the board approved of for somewhat similar service by order 6901 of the 16th April, 1909, and it seems to me that it would be fair remuneration to the railway companies for the additional service they would have to render in the present case. A detention allowance of forty-eight hours from the time of the despatch of the notice of the arrival of the car by the agent to the



## SESSIONAL PAPER No. 20c

consignee, should be sufficient for the surrender of the endorsed bill of lading at the agency station, after which the carrier will be entitled to charge and collect the authorized demurrage toll for each additional twenty-four hours (or part thereof) of detention, over and above the three dollars terminal service charge.

A general order, embodying the above suggestions, may issue, laying down the practice which is to be followed by the railway companies in such cases in the future.

OTTAWA, January 8, 1914.

D'ARCY SCOTT.

I Agree,  
S. J. McL.,  
A. S. G.

## GENERAL ORDER 119.

SATURDAY, the 31st day of January, A.D. 1914.

In the matter of various complaints received by the board stating that the Canadian Pacific Railway Company, the Canadian Northern Railway Company, and the Grand Trunk Railway Company of Canada are removing regular station agents from various specified stations west of Fort William and Port Arthur, such complaints further alleging that such removal on inadequate notice works to the detriment of the applicants and the communities wherein they reside. File 14895:

In pursuance of the powers conferred upon it by sections 26, 28, 30, and 284 of the Railway Act, and of all other powers possessed by the board in that behalf—

The board doth order that, whenever a railway company subject to the jurisdiction of the board, intends to remove a regular station agent, it shall first notify the local municipality or Board of Trade of its intention to apply to the board for an order permitting such removal. Such application and notice shall state the grounds on which such removal is sought to be justified and shall, in each instance, show the gross earnings at the station in question from passenger as well as freight traffic and express business during the previous year.

It is further ordered that no regular station agent shall be removed until such removal be first authorized by the board.

(Signed) H. L. DRAYTON,

*Chief Commissioner.*

## GENERAL ORDER No. 120.

TUESDAY, the 3rd day of February, A.D. 1914.

In the matter of special tariffs filed by railway companies subject to the jurisdiction of the board, establishing certain charges for the detention, by shippers and consignees, of refrigerator cars, when loaded with perishable freight, over and above the car service toll prescribed by order of the board No. 906, dated January 25th, 1906. File No. 1700-65.

Upon the hearing of the matter at the sittings of the board held in Toronto, January 27, 1914, in the presence of counsel for the Canadian Pacific and Grand Trunk Railway Companies, the Toronto Board of Trade, the Canadian Manufacturers' Association, and the Ontario Fruit Growers' Association, and what was alleged at the hearing—

It is ordered that the special tariffs of charges for detention of refrigerator cars when used for shipments of perishable freight, published and filed by railway companies subject to the jurisdiction of the board, be amended by eliminating the clauses therein relating to detention at the points of loading of the said cars.

5 GEORGE V., A. 1915

And it is further ordered that on the publication and filing of tariffs so amended, the general order of the board No. 115, dated the 19th day of December, 1913, and orders Nos. 21127 and 21128, dated the 29th and 27th days of December, 1913, respectively, be rescinded in so far as they affect the several railway companies filing said amended tariffs.

(Signed) H. L. DRAYTON,  
*Chief Commissioner.*

## GENERAL ORDER No. 121.

THURSDAY, the 26th day of February, A.D. 1914.

In the matter of the complaint of the Dominion Millers' Association and the Campbell Milling Company against the proposed increase in less than carload mileage rates on grain and grain products, published in tariffs of the railway companies, to take effect September 1, 1913; and the general order of the board No. 109, dated August 27, 1913, suspending the said increased mileage rates until further order of the board. File No. 22939.

Upon its appearing that an agreement has been reached between the millers' and the carriers' representatives for a basis of less than carload mileage rates to apply on grain and grain products in lieu of the rates suspended under the said order No. 109, the agreed rates to become effective March 2, 1914.

It is ordered that the said general order No. 109 be, and it is hereby, rescinded as from March 1, 1914.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

## GENERAL ORDER No. 122.

WEDNESDAY, the 4th day of March, A.D. 1914.

In the matter of the General Order of the Board No. 116, dated December 24th, 1913, suspending, for the present and pending investigation, tariffs filed by railway companies subject to the jurisdiction of the board, increasing the minimum carload weights on buckwheat, oats, bran (in bulk), dried beet pulp, oat hulls (in bulk), pea hulls (in bulk), shorts, beets (except sugar), onions, turnips, and potatoes. File No. 23414.

Upon the return of the notice calling upon the railway companies to justify the proposed increase in the minimum weights on the commodities referred to, the Canadian Pacific Railway Company, the Toronto Board of Trade, the Grand Trunk Railway Company, and the Canadian Manufacturers' Association being represented at the hearing, and what was alleged; and upon the report of the traffic officer of the board—

It is ordered that the said general order No. 116, dated December 24, 1913, be, and it is hereby, rescinded.

(Signed) H. L. DRAYTON,  
*Chief Commissioner.*

SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 123.

THURSDAY, the 19th day of March, A.D. 1914.

In the matter of the application of the Canadian Northern Railway Company for an order approving form No. 981, Release of Responsibility in connection with the transportation of clothing, wearing apparel, and personal effects (all second-hand), in trunks, securely corded, on file with the board under file Nos. 16749.32 and 8954:

Upon reading what was alleged in support of the application and the report of the chief traffic officer of the board—

It is ordered that the said form "Release of Responsibility," No. 981, respecting the carriage of clothing, wearing apparel, and personal effects (all second-hand), in trunks, securely corded, submitted by the applicant company and on file with the board under the said file No. 16749.32, be, and it is hereby, approved; the said form of release being in the terms following, namely:—

Form No. ....

..... Railway.

## RELEASE OF RESPONSIBILITY.

In connection with the

Transportation of clothing, wearing apparel, and personal effects (all second-hand) in trunks, securely corded.

.....191....

Consignee and Destination.

Description of Shipment.

## READ THIS SPECIAL CONTRACT.

In consideration of the.....Railway Company receiving the above mentioned trunk (or trunks) at.....station for carriage to.....and waiving further protection than is afforded by the cording thereof, which cording I hereby declare to be good and secure, I do hereby undertake that no claim in respect to injury to or loss of the said property, or any of it, will be made against the said company and its connections, or any of them, exceeding the amount of ten dollars for any trunk, or contents thereof, whether such loss or injury is occasioned by the negligence of the Company, its servants or agents or otherwise.

.....Shipper.

This release to be filed with shipping bill by shipping agent.

And it is further ordered that the said Form of Release be hereby made applicable to all railway companies under the jurisdiction of the board; the said companies being hereby authorized to use the said form upon their respective lines of railway until the board shall hereafter otherwise order and determine.

(Signed) H. L. DRAYTON,  
Chief Commissioner



5 GEORGE V., A. 1915

## GENERAL ORDER No. 124.

THURSDAY, the 30th day of April, A.D. 1914.

In the matter of the operation by railway companies subject to the jurisdiction of the board, of draw, or swing, or bascule bridges over navigable waters; and the question of regulations governing such operation. File No. 10291.

Upon reading the regulations governing the operation of draw, or swing bridges over navigable waters other than railway bridges, approved by order in Council dated the 29th June, 1910, the submissions on behalf of the Department of Marine and Fisheries, and the report and recommendation of the chief engineer of the board; and in pursuance of the powers conferred upon the board under sections 30 and 232 of the Railway Act, and of all other powers possessed by it in that behalf—

It is ordered that the regulations to govern the operation by railway companies within the legislative authority of the Parliament of Canada, of draw, or swing, or bascule bridges over navigable waters, following, be, and they are hereby, approved, namely:—

1. Every swing or drawbridge over a navigable water shall be marked at night by a white light on each side of the navigable channel, by white light on each end of the swing protection, and by a lantern surmounting the swing span showing a red light up and down the channel when the passage is closed, and green when the swing is open.

2. In the case of a bascule bridge of any description, it will suffice that a light showing green up or down a channel when the leaf or leaves are lifted, and red when the bridge is closed, be shown from one side or the other of the opening, or, preferably, carried on the end of the leaf. The white lights above described for a swing bridge also to be maintained.

3. The signal to be given by a steamer to have a swing opened shall be two long followed by two short blasts of the whistle.

4. Every swing or draw shall, whenever it is desired to have a vessel pass through the bridge, be in charge of some competent person present thereat, whose duty it shall be, upon being notified by whistle or in any other manner, that a vessel desires to pass through the bridge, to open the same as promptly as possible; and no such vessel shall pass through the bridge until the swing or draw is fully open.

5. Where, as in the case of the Canadian Northern Railway bridge over the Red river at Winnipeg and the freight bridge of the same railway over the Assiniboine river at Winnipeg, traffic is so slight that a bridge is required to be opened not more than once or twice a year, the lights provided for under clauses 1 and 2 of this order are required to be lit at night only when a vessel desires to pass through the swing or draw.

6. The Fraser River bridge, covered by order of the board No. 18626, dated February 6, 1913, and any other bridge covered by special order of the board whose terms differ from this order, shall be exempt from the provisions herein.

(Signed) H. L. DRAYTON,  
*Chief Commissioner.*

SESSIONAL PAPER No. 20c

ORDER No. 22428.

MONDAY, the 24th day of August, A.D. 1914.

In the matter of general order of the board No. 124, dated April 30, 1914, prescribing regulations for the operation by railway companies subject to the jurisdiction of the board, of draw, or swing, or bascule bridges over navigable waters; and the application of the Department of Railways and Canals for an order amending the said general order No. 124 to provide, for the purpose of differentiation between the signal given for the United States and the Canadian Canals at Sault Ste. Marie, the signal for the Canadian Canal Bridge be three long followed by two short blasts of the whistle. File No. 10291.

Upon the reading of what is alleged, and the report and recommendation of the chief engineer of the board—

It is ordered that general order of the board No. 124, dated April 30, 1914, be, and it is hereby, amended to provide that the signal to be given by a steamer to have the swing opened on the Canadian Canal at Sault Ste. Marie, in the province of Ontario, be three long followed by two short blasts of the whistle.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

GENERAL ORDER No. 125.

SATURDAY, the 30th day of May, A.D. 1914.

In the matter of the complaint of the Vancouver Board of Trade alleging discrimination in freight rates by the railway companies operating in the province of British Columbia; and the consideration of the matter of rates for the carriage of freight traffic upon railway lines in Canada west of Port Arthur, Ont. File No. 18755.

Upon the hearing of the matter at various sittings of the board held in the presence of counsel for, and representatives of, the railway companies affected, the Dominion Government, the Governments of the provinces of Saskatchewan, Alberta, and British Columbia, the city of Winnipeg and the Winnipeg Board of Trade, the city of St. Boniface and the St. Boniface Board of Trade, the United Farmers of Alberta, the Canadian Manufacturers' Association, and the Boards of Trade of Montreal, Toronto, Portage la Prairie, Brandon, Regina, Moosejaw, Saskatoon, Prince Albert, North Battleford, Edmonton, Medicine Hat, Calgary, Lethbridge, Nelson, Vancouver, and Victoria, the evidence adduced, and what was alleged, judgment, dated April 6, 1914, was delivered by the Chief Commissioner and concurred in by the other members of the board, a certified copy of the said judgment being attached hereto marked "A."

It is ordered that the terms of the judgment, which is hereby made part of this Order, and the tariff changes therein directed to be made, be complied with and become effective not later than 1st day of September, 1914.

And it is further ordered that, for a period of two years from the date of this order, no rates at present in effect west of Port Arthur, Ont., be increased without the approval of the board.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

5 GEORGE V., A. 1915

## GENERAL ORDER No. 126.

File 4741-F, part 2.

THURSDAY, the 28th day of May, A.D. 1914.

Whereas by circular of the board No. 133, dated May 5, 1914, railway companies subject to the jurisdiction of the board were required to submit monthly in duplicate, reports on fires originating within 300 feet of the track and burning over an area of 100 square feet or more outside the right of way.

And whereas application has been made on behalf of the Grand Trunk Railway Company for a declaration by the board that all reports submitted in accordance with the said circular No. 133 be treated as privileged, not open to the inspection of the public generally, nor copies given to applicants therefor.

Upon reading of what is filed in support of the application—

The board doth order that the report or reports submitted by railway companies in accordance with the said circular of the board No. 133 be, and the same is and are, hereby declared to be privileged, and shall only be made public or given out upon application therefor by order of the board.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

## GENERAL ORDER No. 127.

MONDAY, the 6th day of July, A.D. 1914.

In the matter of the putting up and taking down of marker lights on cabooses, and circular No. 139, dated March 11, 1914, submitted to the railway companies subject to the jurisdiction of the board:

File No. 13455.2.

Upon the reading of the replies to the said circular filed by the railway companies and the report of the chief operating officer of the board, certain of the railway companies consenting to the adoption of the regulations particularly set out in this order regarding the putting up and taking down of marker lights on cabooses; and in pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that cabooses of all railway companies subject to the jurisdiction of the board be equipped as follows, namely:—

1. Where cabooses are equipped with marker sockets in the lower position, markers shall be carried in such lower sockets.

2. All cabooses hereafter constructed shall be equipped with marker sockets in the lower position.

3. All cabooses now in use not equipped with marker sockets in the lower position, shall be so equipped on or before the 1st day of November, 1914.

(Signed) H. L. DRAYTON,  
*Chief Commissioner.*



SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 128.

File No. 11654.

MONDAY, the 20th day of July, A.D. 1914.

In the matter of the general order of the board No. 102, dated February 17, 1913, prescribing Rules and Regulations respecting Safety Appliances on trains of railway companies subject to the jurisdiction of the board.

Upon the report and recommendation of the chief operating officer of the board, and the reading of what is filed on behalf of the Canadian Pacific Railway Company—

It is ordered that railway companies subject to the jurisdiction of the board be, and they are hereby granted an extension of time until the 1st day of July, 1916, within which to make the following changes, namely:

(a) To change the location of brakes on all cars to comply with the standard prescribed in the regulations of the board, dated February 17, 1913.

(b) To comply with the standard prescribed in the said regulations in respect to all brake specifications contained therein.

(c) To change cars having less than 10 inches end ladder clearance within 30 inches of the side of car, to comply with the said regulations.

(d) To comply with the standard prescribed in the said regulations in respect to handholds, running-boards, ladders, sill steps, and brake staffs, except that when a car is shopped for work amounting practically to rebuilding body of car, it must then be equipped according to the standards prescribed in the said regulations.

And it is further ordered that railway companies subject to the jurisdiction of the board be not required to make changes to secure additional end ladder clearance on cars that have 10 or more inches end ladder clearance within 30 inches of side of car, or to make the changes in end ladders, side ladders, hand grips and steps which have been made in accordance with the provisions of section 264 of the Railway Act and the general order of the board No. 102, or to comply with the regulations of the board aforesaid, until the car is shopped for work amounting to practically rebuilding body of car, at which time such changes must be made to comply with the standards prescribed in the said order.

And it is further ordered that railway companies be not required to change the location of hand holds (except end hand holds under end sills), ladders, sill steps, brake wheels, and brake staffs on freight train cars where the appliances are within 3 inches of the required location, except that when cars undergo regular repairs they must then be made to comply with the standards prescribed in the said regulations.

(Signed) H. L. DRAYTON,  
*Chief Commissioner.*

## GENERAL ORDER No. 129.

File No. 24318.

WEDNESDAY, the 22nd day of July, A.D. 1914.

In the matter of increased special and competitive freight and express tolls, and suspensions thereof.

In pursuance of the powers conferred upon the board by sections 26 and 348 of the Railway Act, and of all other powers possessed by it in that behalf:

Upon the recommendation of the chief traffic officer of the board—

It is ordered as follows, namely:

1. No toll contained in any special or competitive freight or express tariff referred to in subsections 3 and 4 of section 326, and subsection 2 of section 348 of the Railway Act, shall be advanced until it has been in force for at least thirty days:

5 GEORGE V., A. 1915

Provided that when a special or competitive freight or express tariff contains a notice that any reduced toll shown therein will expire upon a given date, which date shall not be less than thirty days from the date upon which the said reduced toll becomes effective, the said notice shall be considered to comply with subsection 3 of section 328 of the Railway Act, as amended by section 11, 1-2 George V, chapter 22.

2. Except of its own motion, or on special grounds advanced, the board will not ordinarily suspend, or postpone the effective date, of any tariff, or any supplement to a tariff, or any particular rate, or rule, or regulation of the carriers subject to its jurisdiction, which directly, or in effect, increases the charge to be paid for the same or similar service, unless an application for suspension, or postponement, is received by the board at least fourteen days before the date when the charge complained against is published to become effective; such application to give the "C.R.C." number of the schedule, and the items thereof complained against.

(Signed) D'ARCY SCOTT,

*Assistant Chief Commissioner.*

### GENERAL ORDER No. 130.

TUESDAY, the 28th day of July, A. D. 1914.

In the matter of the tariffs filed by certain railway companies, requiring additional railway tickets for the exclusive use of drawing rooms or compartments in sleeping and parlour cars; and the order of the board No. 21413, dated February 27, 1914, suspending the said tariffs pending investigation by the board. File No. 9451.

Upon the hearing of the matter at the sittings of the board held in Ottawa, March 17, 1914, in the presence of counsel for the Canadian Pacific, Grand Trunk, Ottawa and New York, and Canadian Northern Railway Companies and the Michigan Central Railroad Company, and what was alleged—

It is ordered that the following schedules, in so far as their purpose is to increase the tolls previously charged for the said accommodation locally between points both of which are in Canada, be, and they are hereby, disallowed, namely:—

Boston and Main Railroad Company's Tariff, C.R.C. No. 233.

Canadian Pacific Railway Company's Tariff, C.R.C. No. E-2410.

Canadian Pacific Railway Company's Tariff, C.R.C. No. W-1592.

Central Vermont Railway Company's Tariff, C.R.C. No. 378.

Grand Trunk Railway Company's Tariff, C.R.C. No. E-1989.

Grand Trunk Pacific Railway Company's Tariff, C.R.C. No. 317.

Great Northern Railway Company's Supplement No. 9 to Tariff (C.R.C. No. S-3).

Main Central Railroad Company's Tariff, C.R.C. No. 158.

Michigan Central Railroad Company's Tariff C.R.C. No. 1895.

Rutland Railroad Company's Tariff, C.R.C. No. 525.

New York Central & Hudson River Railroad Company's Tariff, C.R.C. No. 820.

Toronto, Hamilton & Buffalo Railway Company's Tariff, C.R.C. No. 935.

Wataash Railroad Company's Tariff, C.R.C. No. 818 and Supplement No. 1 thereto.

And it is further ordered that, on the receipt of this order, the said companies forthwith and by lawful notice publish and file schedules giving effect thereto.

(Signed) D'ARCY SCOTT,

*Assistant Chief Commissioner.*

SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 131.

MONDAY, the 6th day of July, A.D. 1914.

IN THE MATTER OF locomotive defects, and circular No. 127, dated February 24, 1914, submitted by direction of the board to railway companies under its jurisdiction for their consideration and report. File No. 21351.

Upon the reading of the replies to the said circular, filed by the railway companies, and the reports of the operating officers of the board, the railway companies, after various meetings and discussions, consenting, to the adoption of the regulations particularly set out in this order regarding locomotive defects; and in pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that the locomotive engines of railway companies subject to the jurisdiction of the board be not allowed to leave terminals, or to be used at terminals, in traffic service, on which any of the following defects exist, namely:—

1. *Steam leaks*.—Steam leaks from any part of the locomotive which render it impossible for engineer to see signals in sufficient time to enable him to bring his train to a stop within the required distance.

2. *Air brakes*.—Air brakes on locomotives or tenders not in serviceable condition.

3. *Wheel defects*.—Locomotives with steel or steel tired leading engine truck wheels, leading or trailing driving wheels, or tender wheels with flanges worn  $\frac{1}{8}$  below M.C.B. wheel defect gauge for cars of less than 80,000 pounds capacity.

Locomotives with cast-iron engine truck wheels and cast-iron wheels under tender weighing over 130,000 pounds, with flanges worn  $\frac{1}{8}$  below M.C.B. defect gauge for cars of 80,000 pounds capacity, or over.

Locomotives with cast-iron wheels under tender weighing 130,000 pounds, or less, with flanges worn  $\frac{1}{8}$  below M.C.B. defect gauge for cars of less than 80,000 pounds capacity.

Locomotives with truck or tender wheels having shelled out or flat spots over  $2\frac{1}{2}$  inches long, or so numerous as to endanger the safety of the wheel.

Steel tires on locomotives worn hollow  $\frac{3}{8}$  inch in depth, or which are worn below safe limit of thickness. Railway companies to file with the board their standard limit of thickness of tires on all classes of locomotives, for approval.

Flat or shelled out spots on locomotive driving wheels 3 inches long.

4. *Springs*.—Locomotives with defective springs on any part of locomotive or tender which are unable to carry their respective weights when locomotive is standing.

And it is further ordered that the said railway companies be, and they are hereby, required, on or before the first day of January, 1915, to equip their locomotives with double windows in the front of the cabs during the winter season, November 1 to April 30; the same to be made air-tight.

(Signed) D'ARCY SCOTT,  
Assistant Chief Commissioner.



## GENERAL ORDER No. 132.

FRIDAY, the 2nd day of October, A.D. 1914.

In the matter of the complaints of the Montreal, Toronto, Hamilton, and Edmononton Boards of Trade, the Shippers' Section of the Winnipeg Board of Trade, the Ontario Wholesale Grocers' Guild, the British Columbia Wholesale Grocers' Exchange, the Retail Merchants' Association of Canada (Saskatchewan Provincial Board), the Wholesale Grocers of Regina, the Dominion Wholesale Grocers' Guild, and Balfour, Smye & Company against the cancellation of mixing privileges in connection with carloads of groceries, dried fruit, and liquors from Eastern Canada points to points in Western Canada: File No. 18755.21.

Upon the hearing of the matter at the sittings of the Board held in Montreal, September 24, 1914, in the presence of counsel for the Canadian Northern, Grand Trunk, Grand Trunk Pacific, and Canadian Pacific Railway Companies, the Montreal and Toronto Boards of Trade, the Montreal Liquor Associations, Balfour, Smye & Company, Eby, Blain & Company. The Wholesale Grocer's Guild and Law, Young & Company being represented at the hearing, and what was alleged—

It is ordered that the railway companies which, immediately before September 1, 1914, had in effect by tariffs filed with the board arrangements whereby mixed carloads of groceries, classifying fifth class in straight carloads, and dried fruits, classifying fourth class in straight carloads, also foreign and domestic liquors in mixed carloads, were carried in each case at the carload rates applicable to each commodity respectively to destinations west of and including Port Arthur, Ont., publish and file tariffs restoring the said arrangements and making them effective from and including September 1, 1914, until otherwise ordered by the board, the said arrangements having been abolished by tariffs published and filed by the following railway and railroad companies and numbered as follows, namely: Algoma Central, C.R.C. 251; Boston & Maine, C.R.C. 1532, 1533, 1537, and 1542; Canadian Northern, C.R.C. W. 794, W. 789, W. 812, W. 813, and E. 485; Canadian Pacific, C.R.C. W. 1953, W. 1959, W. 1973, W. 1979, E. 2843, E. 2844, and E. 2845; Central Vermont, C.R.C. 962, 964, 965, and 968; Chatham, Wallaceburg & Lake Erie, C.R.C. 331, 332, 334, and Supplement 1 to 324; Dominion Atlantic, C.R.C. 421, 422, and 424; Essex Terminal, C.R.C. 236, 238, 239, and 241; Grand Trunk, C.R.C. E. 2958, E. 2959, and E. 2977; Grand Trunk Pacific, C.R.C. 23, 24, 36, and 41; Great Northern, C.R.C. 1049, 1064, 1066, Supplement 13 to 925, and Supplement 3-A to 1019; Hull Electric, C.R.C. 32 and 33; Michigan Central, C.R.C. 2246, 2247, 2249, and Supplement 2 to 2200; Midland of Manitoba, C.R.C. 44 and 47; New York Central & Hudson River, C.R.C. 3179, 3180, 3183, and 3190; Ottawa & New York, C.R.C. 1028, 1031, 1033, and 1036; Père Marquette, C.R.C. 1789, 1790, 1792, Supplement 8 to 1445, Supplement 6 to 1475, and Supplement 14 to 1041; Quebec, Montreal & Southern, C.R.C. 503, 504, 506, and 510; Quebec Railway, Light and Power, C.R.C. 73 and 74; Schomberg & Aurora, C.R.C. 87, 88, and 92; Thousand Islands, C.R.C. 250, 251, and 254; Toronto, Hamilton & Buffalo, C.R.C. 972, 973, and 976; Wabash, C.R.C. 806, 807, and 809; Windsor, Essex & Lake Shore Rapid, C.R.C. 143, 144, 146, and 147.

(Signed) D'ARCY SCOTT,

*Assistant Chief Commissioner.*

## GENERAL ORDER NO. 133.

SATURDAY, THE 19th day of December, A.D., 1914.

In the matter of the proposed cancellation on the 1st day of January, 1915, of the arrangements whereby mixed carloads of foreign and native liquors, and mixed carloads of groceries, classified 5th class in straight carloads, and dried fruits classi-

## SESSIONAL PAPER No. 20c

fied 4th class in straight carloads are carried at their respective carload rates between points west and including Port Arthur, and thereto from eastern points. File No. 18755.21.

Upon hearing the matter at the sittings of the board held in Toronto, December 12, 1914, the Toronto Board of Trade, the Montreal Board of Trade, the Hamilton Board of Trade, and other parties interested being represented at the hearing, and what was alleged; and upon reading the submissions filed—

It is ordered that the proposed cancellation of the said arrangements be, and it is hereby, suspended until further order of the board.

(Signed) H. L. DRAYTON,  
*Chief Commissioner.*

## CIRCULAR NO. 94.

OTTAWA, October 21, 1912.

*File 20718. Accidents to employees through riding on pilots of engines.*

The board has, from time to time, received returns of a number of accidents resulting in serious, and, sometimes fatal injuries to employees through riding on pilots of engines, and I am directed to ask that instructions be issued by railway companies subject to the jurisdiction of the board that this practice of riding on pilots of engines, except when switching in yards, must be discontinued under penalty of being disciplined.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR NO. 95.

OTTAWA, November 6, 1912.

*File 9610. Equipment of Electric Cars with Air Brakes.*

I am directed to ask that all electric railway companies subject to its jurisdiction, furnish the board with a statement showing the condition of their equipment at present so far as power brakes are concerned.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 96.

OTTAWA, November 6, 1912.

*Order No. 12225. Protection of Railway Employees.*

In connection with accidents and other matters reported upon by the board's inspectors from time to time, the board has become impressed with the apparent unfamiliarity of a number of railway employees with the requirements of Order No. 12225, dated November 9, 1910, issued for the protection of such employees, and I am directed to ask that the contents of this Order be made known as widely and as thoroughly as possible.

By order of the Board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

5. GEORGE V., A. 1915

## CIRCULAR No. 97.

OTTAWA, November 8, 1912.

The board's officers are of the opinion that the number of persons killed and injured in accidents due to derailments, head on and rear end collisions, would be very much reduced, if the trucks of the cars were so attached to the body that the body could not leave the truck in case of derailment, head-on or rear-end collision.

The board desires your company to give this matter serious consideration, so that, when this matter is spoken to at an early sitting, a decision can be arrived at.

By order of the Board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 98.

OTTAWA, November 12, 1912.

*File 20847. Protection to Car Repairers while at work on repair tracks.*

The board's attention has been called to several accidents which have recently taken place wherein car repairers have met with serious injury while working on repair tracks, and I am directed to state that all railway companies subject to the jurisdiction of the board will at the sittings to be held in Ottawa on Tuesday, December 3, 1912, be called upon to speak to the question of providing more efficient protection to car repairers working on repair tracks and to ask the companies to be prepared with suggestions and for a general discussion of the question on that date.

By order of the Board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT No. 1 TO CIRCULAR No. 98.

OTTAWA, January 13, 1913.

*File 20847. Protection to Car Repairers while at work on repair tracks.*

I am directed by the board to ask that railway companies subject to the board's jurisdiction file, within sixty days, a statement giving the name of each point at which car repairers are located, and explaining the manner in which car repair tracks at such points are now protected.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT No. 2, To CIRCULAR No. 98.

OTTAWA, March 17, 1913.

*File 20847. Protection to Car Repairers.*

DEAR SIR.—This matter was the subject of a general discussion at a sittings of the board held at Ottawa on December 12, last.

The present practice of using a flag for protection purposes is considered very unsatisfactory and a simple device, as set forth in the attached diagram, has been suggested for use. This could be made of light steel or wood, made so as to fold up,



SESSIONAL PAPER No. 20c

and when opened up can hang on the ladder rungs by hooks, as shown by sketch "A" on the sketch. The disk could project 18 inches beyond the car and be 10 inches in depth, with a hook on the bottom side for hanging a lantern for night use. This disk would not be subject to the caprice of the wind as a flag would, and would be readily discernible for the full length of any ordinary train. Furthermore, as it can be so easily applied, there will be no excuse for failure of employees to neglect its use.

The board will be glad if the railway companies will give this suggestion careful consideration and let the board have their views thereon as early as possible.

Yours truly,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT No. 3 TO CIRCULAR No. 98.

OTTAWA, April 3, 1913.

*File 20847. Protection to Car Repairers.*

Referring to the circular and supplements issued herein. I am directed to advise you that it is intended that the arm of the disc referred to, be painted blue, and that a blue light be used at night, as required by the Standard Rules.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 99.

OTTAWA, December 2, 1912.

*Application for Branch Lines, Section 222.*

I am directed to inform you that, in making application to the board for the approval of a branch line or spur, in addition to the plans required under the board's rules and regulations, it will be necessary for railway companies to supply municipalities, in any way interested, with blue print of final plans.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 100.

OTTAWA, December 3, 1912.

*File 1750, Pt. 4—Order No. 12225—Protection of Railway Employees.*

I am directed by the board to call the attention of the railway companies subject to its jurisdiction, to the requirements of clause 1, subsection "d," section 8, of order No. 12,225, whereby—

"Semaphores, signals, poles, or high or intermediate switchboards shall, within two years from the date of this order (November 9, 1910), be either removed or changed so that the same shall not be nearer than six feet from the gauge side of the nearest rail; or high and intermediate switch stands shall be changed to low or dwarf switchstands;"

and to ask that you advise, within thirty days of the receipt of this circular, what action has been taken towards carrying out the said order of the board.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

5 GEORGE V., A. 1915

## CIRCULAR No. 101.

OTTAWA, December 27, 1912.

*File 21174—Location of Emergency Valve on Passenger Equipment.*

DEAR SIR.—I am directed to inform you that at the sittings of the board to be held in Ottawa on Tuesday, January 7, 1913, the board will consider the advisability of standardizing the position of the emergency valve on passenger equipment in use by steam railways subject to the jurisdiction of the board.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 102.

OTTAWA, January 18, 1913.

*Sharp flange wheels on locomotives and tenders.*

The board's inspectors are reporting quite a number of locomotives in service with sharp flanges on wheels of both locomotives and tenders, flanges in many instances being worn down to and below the master car builders' standard allowance gauge.

Some of these locomotives are running on fast passenger trains; and while it is expected that freight cars may sometimes be found with flanges on wheels in the condition described above, it does not seem reasonable or safe to allow locomotives in service with wheel flanges worn so badly that they would not be accepted on cars at interchange points.

The board would, therefore, urge upon you the importance of issuing to those in charge of the motive power on your lines of railway such instructions as will ensure change of wheels before flanges are so badly worn as to come under the M.C.B. standard defect gauge.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 103.

OTTAWA, January 31, 1913.

*File 21113. Injuries to Enginemen through derailment while running engine tender first.*

The board has been impressed with the number of injuries to enginemen (in some cases fatal), apparently due to engines being run tender first at excessive rates of speed; and hence the board directs that all steam railways subject to the jurisdiction of the board issue instructions requiring that engines running tender first, "other than suburban tank engines equipped with pilot on tender," shall not exceed a speed of 20 miles per hour, and that a copy of such instructions be filed with the board.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## CIRCULAR No. 104.

OTTAWA, February 4, 1913.

*File 6713, Case 2846, re General Interswitching.*

DEAR SIR,—I am directed to inform you that at a sittings to be held in Ottawa on Tuesday, February 18 next, commencing at ten o'clock in the forenoon, the board will take into consideration the proposed revision of order of the board No. 4988, dated July 8, known as the general interswitching order, and of the draft revise suggested by the board at the sittings held at Ottawa November 5, 1912, for examination and comment.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 105.

OTTAWA, February 4, 1913.

*File 4205, Case 871, Flag Stations.*

DEAR SIR,—I am directed to inform you that at the sittings of the board to be held in Ottawa on Tuesday, March 4, 1913, all railway companies subject to the jurisdiction of the board will be required to show cause why clause 4 of the board's flag station order No. 9160, dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000, instead of \$15,000 as at present.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT No. 1, TO CIRCULAR No. 105.

OTTAWA, April 1, 1913.

*File 4205, Case 871, re Flag Stations.*

DEAR SIR,—This matter came up for hearing at a sittings of the board, at Ottawa, Tuesday, March 4, when railway companies were required to show cause why clause 4 of the board's flag station order No. 9160, dated January 6, 1910, should not be amended so that the average earnings referred to in line 5 of said clause be \$12,000, instead of \$15,000, as at present.

The board desires the following statistical information in connection with this matter.

(1) A statement of the stations where agents were put in in the year 1912 by the railway companies of their own volition.

(2) A statement as to the amount of traffic, both freight and passenger, at each such station when the agent was installed.

(3) Information as to the number of passengers, if possible, and also carload business as distinguished from L.C.L., showing the comparative volume as well as the income arising therefrom.

Will you please see that this information is obtained and forwarded to me without delay.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*



5 GEORGE V., A. 1915

## CIRCULAR No. 106.

OTTAWA, February 6, 1913.

*File 3775-1. Reciprocal Demurrage.*

DEAR SIR.—I am directed to inform you that at a sittings to be held at the Central Station building, Ottawa, Ont., on Tuesday, April 15, commencing at ten o'clock in the forenoon, the board will take up the question of reciprocal demurrage, and its suggested application in Canada.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT NO. 1 TO CIRCULAR NO. 106.

OTTAWA, March 13, 1913.

*File 3775-1. Reciprocal Demurrage.*

I am directed by the board to request that all boards of trade, trade associations, and shippers who are interested in the hearing by the board at Ottawa, April 15, next, of the question of the suggested application of so-called "reciprocal demurrage" in Canada, and have made complaints or representations to the board in connection therewith, file with the board, on or before March 25 next, full particulars of the alleged delays, or irregularities, upon which their complaints are based; these particulars to include car numbers, car initials, commodity, dates of shipment and arrival, points of shipment and destination, and name, or names, of the carrier, or carriers, together with facts pertinent to the said complaints.

A copy of such statement of particulars should be forwarded by the same mail to Mr. W. H. Biggar, general counsel, G.T.R., Montreal; Mr. E. W. Beatty, general solicitor, C.P.R., Montreal; or Mr. R. H. M. Temple, assistant solicitor, C.N.R., Toronto; as the case may be, where either of these three companies is concerned.

If the complaint is against any other railway, the copy should be forwarded to Mr. J. E. Duval, manager, Canadian Car Service Bureau, Montreal, Que.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT NO. 3 TO CIRCULAR NO. 106.

OTTAWA, May 7, 1913.

*File 3775.1. Reciprocal Demurrage.*

I am directed to inform you that at a sittings to be held at the Central Station building, Ottawa, Ont., on Tuesday May 20, commencing at ten o'clock in the forenoon, the board will take up the question of reciprocal demurrage, and its suggested application in Canada.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## CIRCULAR No. 107.

OTTAWA, February 22, 1913.

*File 4741-E. Clearing Rights of Way.*

I am directed to call your attention to section 297 of the Railway Act, which provides that "the company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter."

On account of the large amount of rain during the summer of 1912, the growth of vegetation was unusually heavy. On this account the fire danger along railway lines is likely to be great during the early spring of 1913 and the ensuing summer, unless prompt and vigorous action is taken as required by section 297, above quoted.

The work of burning or otherwise disposing of combustible matter on rights of way should accordingly be begun at the earliest possible date in the spring and prosecuted vigorously until completed.

As required by regulation 10 of order 16570 such supervision of burning must be provided as will prevent fires from spreading beyond the strip being cleared.

Experience has shown that along portions of some lines, right of way clearing can be handled satisfactorily only by the employment of extra gangs. It is essential that each company take whatever steps are necessary to ensure prompt and efficient compliance with the requirements of section 297 of the Railway Act.

The board requests that you submit a statement showing what arrangements have been or will be made for handling this work on your lines.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B. R. C.*

## CIRCULAR No. 108.\*

OTTAWA, February 22, 1913.

*File 4741-Part 3. Re Instructions to Employees regarding Fire Protection.  
Under Order No. 15570.*

DEAR SIR—I am directed by the board to inform you that it has under consideration the amendment of regulation 15 of order No. 16570, to read as follows:

Every such railway company shall give particular instructions to its employees in relation to the foregoing regulations, and shall cause such instructions to be posted and maintained at all stations, terminals, and section houses along its lines of railway. Said instructions to employees shall also be included in the employees time tables in use between April 1 and November 1 of each year. As to lines or portions of lines where in its judgment, the fire danger is not material, the Board may, upon application, waive the requirements as to the posting of public notices and the inclusion of special instructions in employees time tables.

I am further directed to request that you submit to the board in writing, within 30 days, any statement you may desire to make in this matter.

There is enclosed a tentative draft of instructions which may be used, if desired as a basis for the preparation of special instructions to employees, as required in said regulation 15 of order No. 16570. The issuance of these particular instructions is not prescribed. It is however, considered essential that the instructions to be issued shall embody the substance of regulations 6, 7, 10, 14, and 17 of order No. 16570.

Yours truly,

A. D. CARTWRIGHT,

*Secretary, B. R. C.*

WORKING INSTRUCTIONS IN CONNECTION WITH ORDER No. 16570 OF THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA, DATED MAY 22, 1912.

*To Enginemen, Conductors, Brakemen, and Firemen:*

It shall be the duty of train and engine crews on freight and passenger trains, when discovering a fire on or adjoining the right of way of the railway company, to stop and use every effort to extinguish such fire. In the event of this being impracticable, either by reason of the extent of the fire or its distance from the right of way, the train shall proceed to the first telegraph station, where the conductor shall wire a report to the superintendent, giving the exact location of the fire, and the action taken by engine and train crews concerning same. It shall also be the duty of enginemen to stop and notify the first section gang passed, regarding any fire not extinguished as above.

No employee shall do or cause damage or injury to any of the fire-protective appliances on any engine; open the back dampers of any engine while running ahead, or the front dampers while running tender first; or permit fire live coals, or ashes to be deposited on tracks or rights of way outside of yard limits, unless the same are extinguished immediately thereafter.

*To Agents:*

Enginemen and conductors of all trains have received instructions to report fire along the right of way and adjacent thereto, and it shall be your duty to notify the local fire inspector of the Railway Commission immediately, giving the exact location of the fire and its extent, and forthwith wire the superintendent, giving the location of the fire, the extent of the same, and any other information which may be of value, particularly as to the number of men needed to extinguish the fire.

*To Roadmasters, Assistant Roadmasters, Master Carpenters, and other Officials:*

In cases where fires are reported, it shall be the duty of any division official to proceed to the scene of the fire as quickly as possible and take charge of the work of fire fighting until he can be relieved by the division roadmaster. The man first on the ground should organize his men to do the best work possible; and, when this is done, he should immediately proceed to investigate the origin of the fire and fix the location where it started; get statements from all witnesses, and make every effort to learn the origin and fix the responsibility. The law, as now interpreted, practically makes this company responsible for fires starting within three hundred feet of the track, unless it can be shown that the company is not responsible. It is necessary, therefore, to determine positively the origin, in order to relieve the railway company of the responsibility. The first officer on the ground should endeavour to hold a joint investigation with the local fire inspector of the Railway Commission, or other local forestry officer, and agree upon the origin of the fire. This will avoid disputes later on.

*To Chief Dispatchers:*

In all cases where fires are reported, it will be the duty of the dispatcher to get full information as to the extent of such fire, its location and the number of men necessary to fight it. It will also be the duty of the dispatcher to furnish whatever train service may be required to move extra gangs, section gangs, or bridge crews, to the fire immediately, giving this movement preference if the emergency requires it.

*To Sectionmen, Extra Gangs, and Bridge Foremen:*

In all cases where fire occurs, it shall be the duty of all section crews, extra gangs, and bridge crews to proceed immediately to such fires, and extinguish same, remaining as long as may be necessary to do this and it must be understood that this is the most important work that can be done, and that the carrying on of your work, though it



## SESSIONAL PAPER No. 20c

may be important, must be set aside until the fire is extinguished. The section foreman on whose section the fire occurs, shall, in the absence of an official of the company, make a thorough investigation regarding the origin of the fire, and submit a full report to the Roadmaster.

Between April 1 and November 1, no ties, cuttings, débris, or litter upon or near the right of way shall be burned, except under such supervision as will prevent such fire from spreading beyond the strip being cleared. Officers of the Railway Commission may require that no such burning be done along specified portions of the line, except with the written permission or under the direction of such officer.

*Penalty—(Regulation 17, Order 16570:)*

“If any employee or other person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a penalty of twenty-five dollars for every such offence.”

## CIRCULAR No. 109.

OTTAWA, April 1, 1913.

*File 16513, Part 4. Locomotive Boiler Reports.*

The board is in receipt of information that there is now and there has been for some time past unusual number of locomotive fire boxes damaged by shortage of water. In many cases the damage has been of a very serious nature, though fortunately accidents have not resulted in injuries to either enginemen or trainmen, but have only necessitated the “shopping” of the engine for heavy fire box repairs.

In order to keep the board's records of locomotive boilers correct, it is of the utmost importance that the board be furnished with a report covering all such damage as is referred to herein. The board therefore requests that these reports be forwarded promptly by the companies.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 110.

OTTAWA, April 3, 1913.

*Accidents reported to the Board.*

I am directed to advise you that the board has decided that it will not hereafter deal with accidents occurring in railway shops or other manufacturing establishments, the property of railway companies subject to its jurisdiction; and that such accidents need not be reported to the board: but that all accidents occurring on the railway or in connection with the operation of the railway, including roundhouses, etc., must be fully and promptly reported to the board.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 111.

OTTAWA, April 24, 1913.

*File 4135, Part 4. Yard-Limit Boards.*

I enclose draft of order which the board proposes to issue in connection with yard-limit boards, and I am directed to say that railway companies subject to the board's jurisdiction will be heard at the sittings of the board to be held in Ottawa on Tuesday, May 6 next, should they desire to make any objection to the order in any way or show cause why the order should not be made.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

5 GEORGE V., A. 1915

ORDER NO.

In the matter of the memorial of the Trainmen's Association of Canada for the adoption of certain regulations by the board, having in view the protection of employees of the railway companies subject to the jurisdiction of the board.  
File 4135. Part 3.

Upon the report and recommendation of the operating officer of the board, and in pursuance of the powers conferred upon it by sections 30, 268, and 269 of the Railway Act, and of all other powers possessed by the board in that behalf.

It is ordered as follows:—

1. The railway companies under the jurisdiction of the board shall file with the board, on or before the 1st day of July, 1913, a statement of its yards, limits of which are indicated by yard-limit boards, showing the distance that these boards are located from the outer switches of such yards.

2. Before any such company shall proceed to erect any yard-limit board upon its right of way after the date of this order, it must first obtain the approval of the board to the location of such yard-limit board.

3. After October 1, 1913, rule 93 of the approved uniform rules for the operation of Canadian railways shall apply only to yards where locations of yard-limit board have been approved by the board.

(Signed) D'ARCY SCOTT,  
*Assistant Chief Commissioner.*

CIRCULAR No. 112.

OTTAWA, May 7, 1913.

*File 3775.3. Re Average Demurrage Plan.*

At the sittings of the board to be held in Ottawa, Tuesday, May 20 next, commencing at ten o'clock in the forenoon, the board will consider the applications of the Canadian Manufacturers' Association and the Hamilton Board of Trade for an extension of the Canadian Car Service Rules so as to include what is known as the "average demurrage" plan.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SUPPLEMENT No. 1 TO CIRCULAR No. 112. SUPPLEMENT No. 4 TO  
CIRCULAR No. 106.

OTTAWA, May 9, 1913.

*File 3775.3. Re Average Demurrage Plan.—File 3775.1. Re Reciprocal Demurrage.*

On representations made by the Canadian Manufacturers' Association as to the material desired to be submitted, and that more time is required to collect and codify it to the best advantage, the board has determined that the consideration of reciprocal demurrage and its suggested application in Canada, also what is known as the "average demurrage" plan should stand until a special hearing to be held at the Central Station building, Ottawa, Ont., on Monday, June 16, next.

Boards of Trade interested may send in their data from time to time as they desire, and present their cases entirely by written arguments.

Boards of Trade in the West, who may desire to make specific representations to the board, may do so at the following points and times: Vancouver, B.C., court house, Monday, May 19; Calgary, Alta., city hall, Monday, May 26; Edmonton, Alta., city hall, Tuesday, May 27; Regina, Sask., city hall, Thursday May 29; Winnipeg, Man., city hall, Friday, May 30; Fort William, Ont., city hall, Monday, June 2.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## CIRCULAR No. 113.

OTTAWA, May 20, 1913.

*File 15499. Protection of Level Crossings by Signal System either with or without derails.*

The board is impressed with the large number of accidents occurring at level railway crossings (crossings of one railway by another) which are not protected by signal system with or without derails approved of by the board; and I am directed to ask that railway companies subject to the jurisdiction of the board, show cause, in writing, within thirty days of the date of this circular, why an order should not issue requiring such railway companies to install and complete, within three years from the date of such order, an interlocking system to be approved of by the board for the protection of all level crossings which are not so protected between tracks of steam railways and between tracks of steam and electric railways.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 114.

OTTAWA, May 22, 1913.

*File 16932. Re Height of Freight Cars.*

I am directed to inform you that at the sittings of the board to be held in Ottawa on Tuesday, June 17 next, the board will take into consideration the proposition that, by limiting the height of freight cars operated on railways subject to its jurisdiction to 13 feet 6 inches from the top of rail to the running board, trainmen would be safeguarded, and grade separation facilitated; also of the proposals submitted by the Canadian Freight Association, in conformity with the suggestion that this object would be promoted by basing the minimum weights of the Canadian Freight Classification for light and bulky articles on the cubical capacity of box cars, instead of on their length, as at present.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## SUPPLEMENT No. 1 TO CIRCULAR No. 114.

OTTAWA, July 8, 1913.

*File 16932. Re Height of Freight Cars.*

Since the hearing of this matter at the sitting of the board in Ottawa on Tuesday, June 17, last, further statistics have been filed necessitating another hearing which will take place in the City Hall, Toronto, Ont., on July 15 next, and the parties interested are requested to direct their attention to the effect of a prohibition on freight cars of over 13 feet 6 inches in height from the rail, which will give a height in the box itself of 8 feet; the question of the length or width of the car is not up for consideration nor proposed to be limited.

The parties are also requested to consider the effect of applying this limitation of 13 feet 6 inches to all movements from any Canadian point to any other Canadian point, whether routed through Canada or through the United States, to all movements from United States to Canadian points, and to all movements from Canadian to United States points, the result being that the only movement in effect under which high cars will continue to be used will be on traffic originating in United States points passing through Canada destined to United States points.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*



5 GEORGE V., A. 1915

## CIRCULAR No. 115.

OTTAWA, July 7, 1913.

*File 20,885—Sale of Round-trip Tickets by Conductors.*

I am directed by the board to ask that all railway companies subject to its jurisdiction state, within thirty days from the receipt of this circular, whether their conductors have instructions to sell round-trip tickets to passengers boarding their trains at flag stations, or at stations where no agents are on duty immediately before the departure of trains therefrom.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 116.

OTTAWA, July 8, 1913.

*File 4,741—Part 4.*

Your attention is directed to general order No. 107, comprising revision of fire regulations contained in general order No. 16,570. Three mimeographed copies of general order No. 107 are inclosed for your information and a further supply will be sent upon request. Printed copies of the order will be available for distribution in larger quantities within a short time.

Your attention is particularly directed to the changes from former requirements which occur in the new order in subsection (b) of regulation 5; regulation 6; subsections (a), (b), and (e) of regulation 13; and regulation 14.

I am directed to advise you that action as to the issuance and posting of instructions to employees must be taken at the earliest practicable date, covering the requirements of general order No. 107, under the conditions set forth in regulation 14. You are required to submit within thirty days a statement showing the action which will be taken by your company in this connection.

I am also directed to advise you that the requirements made by or under the direction of the chief fire inspector concerning the construction and maintenance of fire-guards under regulation 9 of order 16,570, and with regard to the establishment of patrols under regulations 11 and 12 of said order, shall be considered as continuing in effect under the corresponding regulations contained in general order No. 107, except in so far as said requirements shall be modified by or under the direction of the chief fire inspector.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 117.

OTTAWA, July 8, 1913.

*File 16,982—Re Cubical Base as Minimum for Light and Bulky Articles.*

I am directed to inform you that at the sitting of the board to be held in the city hall, Toronto, Ont., on Tuesday, July 15, commencing at ten o'clock in the forenoon, the board will consider the matter of substituting cubical for the length of car basis as the minimum for light and bulky articles.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## CIRCULAR No. 118.

OTTAWA, July 28, 1913.

*File 11654, Part 2. Equipment of Locomotive Engines with steps.*

The inspectors of the board have called its attention to the fact that a number of railway companies subject to its jurisdiction are equipping their locomotive engines with steps on the front buffer beam or on the side post of the pilot, in accordance with the Interstate Commerce Commission regulations. The Canadian regulations, agreed to by the railway companies and approved by the board, February 17, 1913, do not require these steps. If, on account of international service, Canadian railway companies feel that it is desirable or advisable so to equip their locomotives in accordance with United States practice, the board directs that it shall be incumbent upon such railways to see that these steps are kept in good order and repair.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 119.

OTTAWA, July 29, 1913.

*Files 10247 and 12016, Resuscitation from Apparent Death from Electric Shock.*

Attention is hereby directed to circular No. 37, issued by the board under date of May 3, 1909, regarding rules for "resuscitation from apparent death from electric shock."

These rules have recently been revised under the auspices of the National Electric Light Association, T. C. Martin, Secretary, 33 west 39th street, New York. The board deems it advisable that you should secure copies of them, and have them posted in conspicuous places in every department, so that the knowledge therein contained shall be spread amongst all officials and employees of your institution.

Attention is also directed to the advisability of warning employees about the absolute necessity of keeping away from all electric light or power lines. On February 28, 1913, near Ingersoll, Ont., one railway man was killed by coming in contact with an electric power line through the medium of a tape line which he was using to measure the clearance between the rails and wires. He and his companions had acquired the bad habit of throwing a string over the power wires in order to determine the distance between the wires and rails. On the occasion in question, as there was no string at hand, these men used a cloth tape line and, unknown to them, a light copper mesh, which was woven within the tape line, conveyed current from the power line through one of the men to the ground, with fatal results.

Two things are to be impressed upon your employees: First, to keep away from all electric wires; and, second, to become familiar with the rules for the resuscitation of persons apparently killed by electric shock; and to put these rules into operation when the occasion arises.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

5 GEORGE V., A. 1915

## CIRCULAR No. 120.

OTTAWA, July 30, 1913.

*File 6713, Case 2846, Part 3. Re Switching Charges and Practices.*

On the 4th of February, 1913, circular No. 104 was issued to the following effect:—

I am directed to inform you that at a sittings to be held in Ottawa on Tuesday, February 18 next, commencing at ten o'clock in the forenoon, the board will take into consideration the proposed revision of order of the board No. 4988, dated July 8, 1908, known as the general interswitching order, and of the draft revise suggested by the board at the sittings held at Ottawa November 5, 1912, for examination and comment.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

At the sittings subsequently held, a general discussion took place, but no definite conclusion was arrived at by the railway companies as to their position; and the board desires the railway companies to make their written submission on the whole question both as to practices and rates.

In addition to the question of inter-switching, many complaints have been received by the board as to the local switching practices and charges.

The board also requires the submissions of the companies as to what rules and practices should be followed and charges made for services of this character at all points of sufficient magnitude on the lines of the respective railway companies to necessitate a local switching movement.

As some of the objections raised by the companies as to switching movements of both kinds are based on insufficiency of the toll, the board desires the submissions of the companies to indicate the principle that, in the opinion of the companies, should be observed in arriving at a rate basis, supported by particulars of cost the companies are put to in illustrative movements.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

OTTAWA, September 23, 1913.

*File 6713, Case 2846. Circular 120. Re Switching Charges and Practices.*

Referring to the board's circular No. 120, dated July 30, 1913, asking submissions of companies as to what rules and practices should be followed and what charges made for inter-switching and local switching at all points of sufficient magnitude on the lines of the railway companies to necessitate a local switching movement, I am directed to ask that the railway companies interested forward the submissions asked for at their earliest convenience.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*



SESSIONAL PAPER No. 20c

## CIRCULAR No. 121.

OTTAWA, August 20, 1913.

*File No. 22955—Equipment of Locomotives with Air Hose on the front end.*

I am directed by the board to advise you that at a sittings to be held in Ottawa on Tuesday the 16th day of September, commencing at ten o'clock in the forenoon, the board will take into consideration the matter of requiring railway companies subject to its jurisdiction to equip locomotives with air hose on the front end.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 122.

OTTAWA, September 5, 1913.

*File No. 22939—Re General Order No. 109—Complaint of Dominion Millers' Ass'n and Campbell Milling Company.*

I am directed to inform you that at the sittings of the board to be held in the Central Station building, Ottawa, Ont., on Tuesday, September 16, 1913, the railway companies will be required to justify the proposed increase in the less-than-carload mileage rates on grain and grain products published, the schedules having been suspended by general order of the board No. 109.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT No. 1 TO CIRCULAR No. 122.

OTTAWA, October 11, 1913.

*File 22939. Re General Order No. 109. Complaint of Dominion Millers' Association and Campbell Milling Company re L.C.L. mileage rates on grain and grain Products.*

Referring to my circular No. 122, dated September 5 last, setting this matter down for hearing at Ottawa on Tuesday, September 16, I am directed to inform you that the board will hear this matter at its sitting to be held in the Central Station building, Ottawa, Ont., on Thursday, October 23 next.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## SUPPLEMENT No. 2, TO CIRCULAR No. 122.

OTTAWA, October 16, 1913.

*File 22939.—Re General Order No. 109.—Complaint of Dominion Millers' Association and Campbell Milling Company re L.C.L. mileage rates on grain and grain Products.*

Referring to supplement No. 1 to my circular No. 122, dated October 11, setting this matter down for hearing at Ottawa on Thursday, October 11, setting this matter down for hearing at Ottawa on Thursday, October 23, I am directed to inform you that the hearing of this matter has been postponed until a date to be arranged later.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

5 GEORGE V., A. 1915

## CIRCULAR No. 123.

OTTAWA, September 6, 1913.

*File No. 16513, Part 4. Supplement 1 to Circular No. 109. Locomotive Boiler Reports.*

I am directed to call your attention to order No. 14115, dated July 14, 1911, and to ask that all boiler inspection reports be mailed direct to Mr. A. J. Nixon, chief operating officer of the board, Ottawa.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR NO. 124.

OTTAWA, September 10, 1913.

*File 16513, Part 4. Inspection of Locomotive stay-bolts and crown stays.*

In connection with order of the board No. 14,115 *re* inspection of locomotive boilers, it is found on checking over monthly and annual reports received, that few of the reports show renewals of either crown stays or stay bolts, as per question No. 8 of the monthly, and No. 17 of the annual reports. As the intent of these questions is to show how these repairs are being kept up, it is important that all these renewals be shown when made either at the time of inspection or repair.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR NO. 125.

OTTAWA, October 23, 1913.

*File 23189. Air Testing Plants.*

I am directed by the board to ask that you forward at your earliest convenience information showing the points on your railway at which you have air testing plants for testing brakes on freight trains before they leave terminals.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR NO. 126.

OTTAWA, October 29, 1913.

*File 23328. Baggage Regulations.*

At the regular traffic sittings of the board to be held in Ottawa on Tuesday, December 16 next, consideration will be given to the rules and regulations for the carriage of baggage at present in force on railways subject to the jurisdiction of the board.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## SUPPLEMENT No. 1 TO CIRCULAR No. 126.

OTTAWA, October 31, 1913.

*File 23328. Baggage Regulations.*

Referring to my circular No. 126 of October 29 advising that at the regular traffic sittings of the board to be held in Ottawa on Tuesday, December 16 next, consideration will be given to the rules and regulations for the carriage of baggage at present in force on railways subject to the jurisdiction of the board, I am now directed to state that the matter has been withdrawn from the list and will not be heard.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 127.

OTTAWA, February 23, 1914.

*File 21351. Locomotive Defects.*

I attach a memorandum in connection with various defects to locomotives which was agreed upon at a meeting attended by the representatives of the principal railway companies in Canada subject to the board's jurisdiction.

It is also desired to add a clause with reference to windows on locomotives as follows:—

“Railway companies are requested to equip their locomotives with double windows in the front of the cabs during the winter season, November 1 to April 30, the same to be made air tight.”

Will you please advise the board within thirty days from the receipt of this circular, what, if any, objections your company has to an order going embodying the regulations as herein set forth.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

Locomotives must not be allowed to leave the terminals, or to be used at terminals, in traffic service, on which any defects exist, as prescribed in the following list:—

1. *Steam Leaks.*—Steam leaks from any part of a locomotive which renders it impossible for engineer to see signals in sufficient time to enable him to bring his train to a stop within the required distance.

2. *Air Brakes.*—Air brakes on locomotives or tenders not in serviceable condition.

3. *Wheel Defects.*—Locomotives with steel or steel tired leading engine truck wheels, leading or trailing driving wheels, or tender or steel wheels and flangers worn  $\frac{1}{8}$  below M.C.B. wheel defect gauge for cars of less than 80,000 pounds capacity or over.

Locomotives with cast iron engine truck wheels and cast iron wheels under tender weighing over 130,000 pounds with flanges worn  $\frac{1}{8}$  below M.C.B. defect gauge for cars of 80,000 pounds capacity or over.

Locomotives with cast iron wheels under tender weighing 130,000 pounds or less with flanges worn  $\frac{1}{8}$  below M.C.B. defect gauge for cars of less than 80,000 pounds capacity.



5 GEORGE V., A. 1915

Locomotives with truck or tender wheels having shelled out or flat spots over  $2\frac{1}{2}$  inches long or so numerous as to endanger the safety of the wheel.

and tires on locomotives worn hollow  $\frac{3}{4}$ -inch in depth or which are worn below safe limit of thickness. Railway Companies to file with the Commission their standard limit of thickness of tire on all classes of locomotive, for approval.

Flat or shelled out spots on locomotive driving wheels three inches long.

4. *Springs*.—Locomotives with defective springs on any part of locomotive or tender which are unable to carry their respective weight when locomotive is standing.

## CIRCULAR No. 128.

OTTAWA, March 10, 1914.

*File 4741-E. Clearing Rights of Way.*

I am directed to call your attention to section 297 of the Railway Act, which provides that "the company shall at all times maintain and keep its right of way free from load or dry grass, weeds and other unnecessary combustible matter."

Attention is especially needed as to the annual growth of grass and other vegetation on rights of way, particularly through forest sections. This can, as a rule, be readily and safely burned off as soon as the snow has disappeared from the right of way, and while the adjoining lands are still too wet to permit the spread of fire.

Attention is also called to the necessity for a thorough clean-up of yards and sidings, especially where the peeling and loading of timber has resulted in the accumulation of inflammable debris.

The work of burning or otherwise disposing of combustible matter on rights of way should accordingly be begun at the earliest possible date in the spring and prosecuted vigorously until completed.

As required by Regulation 9 of general order No. 107, such supervision of burning must be provided as will prevent fires from spreading beyond the strip being cleared.

The board requests that you submit a statement showing what arrangements have been or will be made for handling this work on your lines.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 129.

OTTAWA, March 10, 1914.

*File 23352—Locking of main track switches and securing of other switches—Paragraph 4, Rule 104, Uniform Code of Operating Rules.*

I am directed by the board to draw the attention of railway companies subject to its jurisdiction, to the fact that it has from time to time received returns of a number of accidents resulting in serious, and sometimes fatal, injury to employees and passengers, as a result of non-compliance with paragraph 4 of rule 104, which reads as follows:—

"Main track switches must be locked and other switches secured. After a switch is turned, the points must be examined to know that they are in proper position."

I am also directed to ask that such action be taken as will ensure strict compliance with the requirements of the said paragraph 4 of rule 104.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## CIRCULAR No. 130.

OTTAWA, March 11, 1914.

*File 15455 6, putting up and taking down marker lights on cabooses.*

I am directed by the board to draw attention to the fact that several accidents have recently happened whereby trainmen have been injured while in the act of putting up or taking down marker lights on cabooses, and to ask whether the railway companies subject to its jurisdiction have any, and if so what objection to an order being issued requiring:—

1. That where cabooses are equipped with marker sockets in the lower position, markers be carried in such lower sockets.
2. That all cabooses hereafter constructed be equipped with marker sockets in the lower position.
3. That all cabooses now in use not equipped with marker sockets in the lower position, be so equipped on or before the first day of November, 1914.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 131.

OTTAWA, March 11, 1914.

*File 19399 Part 2—In the matter of reporting railway accidents to the board, as required by section 292 of the Railway Act.*

I am directed to state that at a meeting of the board held in Ottawa on the 3rd of February, 1914, it was decided as follows:—

In case a railway company subject to the jurisdiction of the board grants or has granted running rights or joint use of its line or any portion thereof to another railway company, and the latter company is concerned in an accident attended with personal injury on the joint section, both companies shall report to the board, as set out in section 292 of the Railway Act and the forms issued thereunder.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 132.

OTTAWA, March 20, 1914.

*File 4,741—F—Part 2.—Re Fire Reports.*

I am directed to advise you that the board has under consideration the advisability of requesting railway companies to submit monthly, in duplicate, reports on fires originating within 300 feet of the track and burning over an area of 100 square feet or more outside the right of way. It is proposed that the submission of such reports shall be limited to lines or portions of lines to be broadly classified as running through forest sections. The information proposed to be requested as to each such fire is as follows:—

Date. . . . . Subdivision. . . . . Mileage  
 Time discovered. . . . . By whom. . . . .  
 Means taken to extinguish. . . . .  
 How far from track did fire start. . . . .

In what did fire start (as grass, old stump, old log, etc.)... ..  
Probable cause of fire... ..  
Area burned over: Grass or cultivated land... ..acres  
                          Young forest growth... ..acres  
                          Timber... ..acres  
                          Slashing or old burn not reforesting... ..acres  
                          Total area burned... ..acres  
Character and amount of other property destroyed... ..

I am directed to request that you advise the board within thirty days as to the attitude of your company with reference to this matter, with any additional suggestions you may care to make in this connection.

Yours truly,  
  
A. D. CARTWRIGHT,  
Secretary, B.R.C.

CIRCULAR No. 133.

OTTAWA, May 5, 1914.

*File 4741-F Part 2. Re Fire Reports.*

I am directed to advise you that in view of the replies received to circular No. 132, the board has decided to request railway companies to submit monthly, in duplicate, reports on fires originating within 300 feet of the track and burning over an area of 100 square feet or more outside the right of way. It is understood that the submission of such reports shall be limited to lines or portions of lines to be broadly classified as running through forest sections. The information to be furnished as to each such fire is as follows:—

Date... ..Subdivision... ..Mileage  
Time discovered... ..By whom... ..  
Means taken to extinguish... ..  
How far from track did fire start... ..  
In what did fire start (as grass, old stump, old log, etc.)... ..  
Probable cause of fire... ..  
Area burned over: Grass or cultivated land... ..acres  
                          Young forest growth... ..acres  
                          Timber... ..acres  
                          Slashing or old burn not reforesting... ..  
                          Total area burned... ..acres

Character and amount of other property destroyed... ..

The prompt submission of reports in accordance with the above is requested. Such reports should be submitted direct to the chief fire inspector of the board at Ottawa, or to such local officers of the board as may be specified by the chief fire inspector. The question as to the lines or portions of lines to be covered by these reports will be determined by the chief fire inspector, who will communicate directly with the railway companies regarding this matter.

Yours truly,  
  
A. D. CARTWRIGHT,  
Secretary, B. R. C.



SESSIONAL PAPER No. 20c

## CIRCULAR No. 134.

OTTAWA, May 26, 1914.

*File No. 7179.—Working Time Tables.*

I am directed to call attention of the railway companies subject to the board's jurisdiction to the necessity of filing with the commission working time-tables, and to ask that your company arrange to send to the board's chief operating officer three copies of each working time-table or supplement thereto at the time of its going into effect.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B. R. C.*

## CIRCULAR No. 135.

OTTAWA, August 21, 1914.

*File No. 9451.—Increased tolls for exclusive use of drawing rooms or compartments in sleeping and parlour cars.*

General order of the board No. 130, dated the 28th day of July, 1914, disallowed increased tolls for the exclusive use of drawing rooms or compartments in sleeping and parlour cars, locally between points both of which are in Canada.

The railway companies are required to show cause in writing on or before the 7th day of September, 1914, why the same action should not be taken as to the Canadian portion on international movements.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 136.

OTTAWA, October 17, 1914.

*File No. 1750-10.—Interpretation of Section 4 of Order No. 12225 (General Order No. 65), re conductors for light engines.*

The attention of the board having been called to different interpretations put upon section 4 of order No. 12225 (general order No. 65) it is ruled:—

That in the case of the movement of a light engine, or two or more light engines coupled, for a distance greater than 25 miles, when the movement is either on a single track or against the current of traffic on a double track, the word "conductor" as used in section 4 of order 12225 (general order No. 65), shall mean one regularly appointed for service as a conductor and possessed of the qualifications set out under subsection "b" of section 6, of the aforesaid order.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

5 GEORGE V., A. 1915

## CIRCULAR No. 137.

OTTAWA, December 2, 1914.

*File 25157. Operation of Crossing Plants at Crossings between Steam and Electric Railways.*

At the sittings of the board to be held in the city hall, Toronto, Ont., on Friday, December 11, 1914, commencing at ten o'clock in the forenoon, railway companies subject to the jurisdiction of the board will be required to speak to the question as to why in the case of a steam railway crossing an electric railway, where there is a heavy movement by the electric railway and only an infrequent movement by the steam railway, the employees on the train of the steam railway should not operate the plant when desiring to make a crossing, leaving it normally clear for the electric railway.

By order of the board,

A. D. CARTWRIGHT,  
Secretary, B.R.C.

## CIRCULAR No. 138.

OTTAWA, December 19, 1914.

*File 24942.—Changes in Time-Tables.*

At the sittings of the board to be held in the Central Station building, Ottawa, Ont., on Tuesday, January 5, 1915, commencing at ten o'clock in the forenoon, railway companies subject to the jurisdiction of the board will be required to speak to the question of having public time-tables printed and distributed for the public notice ten days before same take effect, and to furnish the board with copies of working time-tables, or notices of cancellation of trains seven days prior to effective date.

By order of the board,

A. D. CARTWRIGHT, -  
Secretary, B.R.C.

SESSIONAL PAPER No. 20c

## APPENDIX L.

A list of General Orders and Circulars of the Board to December, 1914.

Subject.	Gen. Order No.	Page.
Baggage, release of responsibility, in connection with transportation of clothing, wearing apparel, etc. . . . .	123	503
Buckwheat, etc., increasing of minimum carload weights on. . . . .	116	498
Buckwheat, etc., increase of minimum carload weights on. . . . .	122	502
Baggage, carriage of trunks containing wearing apparel and personal effects by freight service. . . . .	110	485
Cartage, increase in charges for. . . . .	99	424
Cream, express rates on. . . . .	111	486
Cream, express rates on. . . . .	112	487
Demurrage tolls, increase of. . . . .	97	421
Drawbridges, swing or bascule bridges on navigable waters. (See also Order 24228). . . . .	124	504
Drawing rooms and compartments, exclusive use of. . . . .	130	508
Embargoes. . . . .	95	420
Explosives, regulations for the carriage of. . . . .	100	425
Explosives, amending rules and regulations for carriage of. . . . .	105	475
Express rates. . . . .	104	467
Express freight carried by two or more companies, shipments of. . . . .	117	499
Express and freight tolls, competitive, increased special, and suspensions thereof. . . . .	129	507
Fire guards, amending General Order 16570. . . . .	107	480
Fire reports, monthly. . . . .	126	506
Flag stations, refusal of railway companies to accept carload and less than carload freight for, when consigned "to order". . . . .	118	499
Freight rates in Western Canada. . . . .	125	505
Freight and express tolls, competitive, increased special, and suspensions thereof. . . . .	129	507
Grain and grain products, less than carload mileage rates on. . . . .	109	485
Grain and grain products, less than carload mileage rates, increase of. . . . .	121	502
Groceries, dried fruits and liquors, mixing privileges in connection with carloads of. . . . .	132	510
Hearing and eyesight of railway employees, testing of. . . . .	103	467
Heated cars for carriage of perishable freight. . . . .	101	443
Highway crossing signals, specifications for. . . . .	96	420
Liquors, cancellation of arrangements for foreign and native liquors. . . . .	133	510
Locomotive boilers, amending rules and regulations for testing of, and their appurtenances. . . . .	106	480
Locomotive defects. . . . .	131	501
Marker lights on cabooses. . . . .	127	506
Refrigerator cars, furnishing of, for carriage of perishable freight. . . . .	98	423
Refrigerator cars, detention of. . . . .	115	497
Refrigerator cars, charges for detention of when loaded with perishable freight. . . . .	120	501
Safety appliance standards, railway. . . . .	102	443
Safety appliances, rules and regulations respecting. . . . .	128	507
Station agents, removal of regular. . . . .	119	501
Telephone agreements. . . . .	114	493
Wires crossing railways, rules for. . . . .	113	487
Yard limit boards. . . . .	108	484



Circular No.	Subject.	Page.
95	Embargoes..	420
96	Highway crossing signals, specifications for..	420
97	Demurrage tolls, increase of..	421
98	Refrigerator cars, furnishing of, for carriage of perishable freight..	423
99	Cartage, increase in charges for..	424
100	Explosives, regulations for the carriage of..	425
101	Heated cars for carriage of perishable freight..	443
102	Railway safety appliance standards..	443
103	Hearing and eyesight of railway employees, testing of..	467
104	Express rates..	467
105	Explosives, amending rules and regulations for carriage of..	475
106	Locomotive boilers, amending rules and regulations for testing of, and their appurtenances..	480
107	Fire guards, amending General Order 16570..	480
108	Yard limit boards..	484
109	Less than carloads mileage rates on grain and grain products..	485
110	Baggage, carriage of trunks containing wearing apparel and personal effects by freight service..	486
111	Cream, express rates on..	487
112	Cream, express rates on..	487
113	Wires crossing railways, rules for..	493
114	Telephone agreements..	497
115	Refrigerator cars, detention of..	498
116	Minimum carload weights on buckwheat, etc., increasing of..	499
117	Shipments of express freight carried by two or more companies in Canada..	499
118	Flag stations, refusal of railway companies to accept carload and less than carload freight for, when consigned "to order"..	501
119	Station agents, removal of regular..	501
120	Refrigerator cars, charges for detention of when loaded with perishable freight..	502
121	Less than carload mileage rates on grain and grain products, increase of..	502
122	Minimum carload weights on buckwheat, etc., increase of..	503
123	Baggage, release of responsibility in connection with transportation of clothing, wearing apparel, etc..	504
124	Drawbridges, swing or bascule bridges, on navigable waters. (See also Order 24228)..	505
125	Freight rates in Western Canada..	506
126	Fire reports, monthly..	506
127	Marker lights on cabooses..	507
128	Safety appliances, rules and regulations, respecting..	507
129	Competitive freight and express tolls, increased special, and suspensions thereof..	508
130	Drawing rooms and compartments, exclusive use of..	509
131	Locomotive defects..	510
132	Mixing privileges in connection with carloads of groceries, dried fruits and liquors..	511
133	Liquors, cancellation of arrangements for foreign and native liquors..	511
94	Accidents to employees through riding on pilots of engines..	511
95	Equipment of electric cars with air brakes..	511
96	Protection of railway employees..	512
97	Persons killed through derailments, head on and rear end collisions..	512
98	Protection to car repairers while at work on repair tracks..	512
98 Sup. 1	Protection to car repairers while at work on repair tracks..	512
98 Sup. 2	Protection to car repairers..	513
98 Sup. 3	Protection to car repairers..	513
99	Applications for branch lines, section 222..	513
100	Protection of railway employees. (Order 12225)..	514
101	Location of emergency valve on passenger equipment..	514
102	Sharp flange wheels on locomotives and tenders..	514
103	Injuries to engine-men through derailment while running engine tender first..	515
104	Interswitching, general..	515
105	Flag stations..	515
105 Sup. 1	Flag stations..	516
106	Reciprocal demurrage..	516
106 Sup. 1	Reciprocal demurrage..	516
106 Sup. 2	Reciprocal demurrage..	517
107	Clearing rights of way..	517
108	Instructions to employees regarding fire protection under Order No. 16570..	517
109	Locomotive boiler reports..	519
110	Accidents reported to the Board..	519
111	Yard limit boards..	519

## SESSIONAL PAPER No. 20c

Circular No.	Subject.	Page
112	Average demurrage plan.. . . .	520
112 Sup. 1	Average demurrage.. . . .	520
106 Sup. 4	Reciprocal demurrage.. . . .	520
113	Protection of level crossings by signal system either with or without details.. . . .	521
114	Height of freight cars.. . . .	521
114 Sup. 1	Height of freight cars.. . . .	521
115	Sale of round trip tickets by conductors.. . . .	522
116	Fire guards.. . . .	522
117	Cubical base as minimum for light and bulky articles.. . . .	522
118	Equipment of locomotive engines with steps.. . . .	523
119	Resuscitation from apparent death from electric shock.. . . .	523
120	Switching charges and practices.. . . .	524
121	Equipment of locomotives with air hose on the front end.. . . .	525
122	Grain and grain products, increase in L.C.L. mileage rates on.. . . .	525
122 Sup. 1	Grain and grain products, increase in L.C.L. mileage rates on.. . . .	525
122 Sup. 2	Grain and grain products, increase in L.C.L. mileage rates on.. . . .	525
123	Locomotive boiler reports.. . . .	526
124	Inspection of locomotive stay-bolts and crown stays.. . . .	526
125	Air testing plants.. . . .	526
126	Baggage regulations.. . . .	526
126 Sup. 1	Baggage regulations.. . . .	527
127	Locomotive defects.. . . .	527
128	Clearing rights of way.. . . .	528
129	Locking of main track switches and securing of other switches.. . . .	528
130	Putting up and taking down marker lights on cabooses.. . . .	529
131	Reporting railway accidents to the Board.. . . .	529
132	Fire reports.. . . .	529
133	Fire reports.. . . .	530
134	Working time tables.. . . .	531
135	Drawing rooms and compartments, exclusive use of.. . . .	531
136	Conductors for light engines.. . . .	531
137	Operation of crossing plants at crossing between steam and electric railways.. . . .	532
138	Changes in time tables.. . . .	532

	Circular No.	Page.
Accidents to employees through riding on pilots of engines.. . . .	94	511
Air brakes, equipment of electric cars with.. . . .	95	511
Accidents reported to the Board.. . . .	110	519
Accidents, railway, reporting to the Board.. . . .	131	529
Air hose, equipment of locomotives with, on front end.. . . .	121	525
Air testing plants.. . . .	125	526
Baggage regulations.. . . .	126	526
Baggage regulations.. . . .	126 Sup. 1	527
Boiler reports, locomotive.. . . .	109	519
Boiler reports, locomotive.. . . .	123	526
Branch lines, applications for, section 222.. . . .	99	513
Cabooses, putting up and taking down marker lights on.. . . .	130	529
Car repairers, protection to, while at work on repair tracks.. . . .	98	512
Car repairers, protection to, while at work on repair tracks.. . . .	98 Sup. 1	512
Car repairers, protection to.. . . .	98 Sup. 2	512
Car repairers, protection to.. . . .	98 Sup. 3	513
Clearing rights of way.. . . .	107	517
Clearing rights of way.. . . .	128	528
Collisions, persons killed through derailments, head on and rear end.. . . .	97	512
Conductors for light engines.. . . .	136	531
Crossing plants at crossings between steam and electric railways, operation of.. . . .	137	532
Crown stays, inspection of locomotive stay-bolts and.. . . .	124	526
Cubical base at minimum for light and bulky articles.. . . .	117	522
Demurrage, reciprocal.. . . .	106	516
Demurrage, reciprocal.. . . .	106 Sup. 1	516
Demurrage, reciprocal.. . . .	106 Sup. 2	516
Demurrage, reciprocal.. . . .	106 Sup. 4	520
Demurrage, average.. . . .	112	520
Demurrage, average.. . . .	112 Sup. 1	520
Derailments, head on and rear end collisions, persons killed through.. . . .	97	512
Derailment, injuries to enginemen through, while running engine tender first.. . . .	103	514
Derails, protection of level crossings by signal system either with or without.. . . .	113	521
Drawing rooms and compartments, exclusive use of.. . . .	135	531
Electric shock, resuscitation from apparent death from.. . . .	119	523
Emergency valve on passenger equipment, location of.. . . .	101	514

	Circular No.	Page
Engines, accidents to employees through riding on pilots of.. . . .	94	511
Equipment of locomotives with air hose on the front end.. . . .	121	525
Flag stations.. . . .	105	515
Flag stations.. . . .	105 Sup. 1	515
Flange wheels on locomotives and tenders, shap.. . . .	102	514
Fire guards.. . . .	116	522
Fire protection, instructions to employees regarding, under Order No. 16570.. . . .	108	517
Fire reports.. . . .	132	529
Fire reports.. . . .	133	530
Freight cars, height of.. . . .	114	521
Freight cars, height of.. . . .	114 Sup. 1	521
Grain and grain products, increase in L.C.L. mileage rates on.. . . .	122	525
Grain and grain products, increase in L.C.L. mileage rates on.. . . .	122 Sup. 1	525
Grain and grain products, increase in L.C.L. mileage rates on.. . . .	122 Sup. 2	525
Injuries to enginemen through derailment while running engine tender first.. . . .	103	514
Interswitching, general.. . . .	104	515
Location of emergency valve on passenger equipment.. . . .	101	514
Locomotives and tenders, sharp flange wheels on.. . . .	102	514
Locomotive boiler reports.. . . .	123	525
Locomotive boiler reports.. . . .	109	519
Locomotive defects.. . . .	127	527
Locomotive engines, equipment of, with steps.. . . .	118	523
Locomotive stay-bolts and crown stays, inspection of.. . . .	124	526
Light and bulky articles, cubical base as minimum for.. . . .	117	522
Light engines, conductors for.. . . .	136	531
Main track switches, locking of, and securing of other switches.. . . .	129	528
Marker lights on cabooses, putting up and taking down.. . . .	130	529
Pilots of engines, accidents to employees through riding on.. . . .	94	511
Protection of railway employees. (Order 12225).. . . .	100	513
Protection of railway employees.. . . .	96	511
Repairers, car, protection to, while at work on repair tracks.. . . .	98	512
Repairers, car, protection to, while at work on repair tracks.. . . .	98 Sup. 1	512
Repairers, car, protection to.. . . .	98 Sup. 2	513
Repairers, car, protection to.. . . .	98 Sup. 3	513
Reporting railway accidents to the Board.. . . .	131	529
Resuscitation from apparent death from electric shock.. . . .	119	523
Round trip tickets by conductors, sale of.. . . .	115	522
Signal system either with or without derails, protection of level crossings by.. . . .	113	521
Stay-bolts and crown stays, inspection of locomotive.. . . .	124	526
Switching charges and practices.. . . .	120	524
Steps, equipment of locomotive engines with.. . . .	118	523
Switches, main track, locking of and securing of other switches.. . . .	129	528
Tickets, round trip, sale of, by conductors.. . . .	115	522
Time tables, working.. . . .	134	531
Time tables, changes in.. . . .	138	532
Yard limit boards.. . . .	111	519



SESSIONAL PAPER No. 20c

## APPENDIX "M."

An alphabetical index to all judgments of the board from its inception to March 31, 1914, published in annual reports Nos. 4 to 9, inclusive.

Subject.	Volume.	Page.
Abbotsford Timber & Trading Co., Ltd., application of, to cross Vancouver, Victoria & Eastern Railway in section 20, township 16 E.C.M. . . . .	8	249
Advanced cartage charges. . . . .	9	293
Algoma Central & Hudson Bay Railway Company and Grand Trunk Railway Company <i>re</i> joint tariffs. . . . .	4	167, 254
Algoma Eastern Railway connection with Canadian Pacific Railway at Huronian spur of the Canadian Copper Company to Turbine, lots 7 and 8, concession 1, township of Drury, Ontario. . . . .	8	216
Almonte Knitting Company and Canadian Pacific Railway Company, <i>et al.</i> , <i>re</i> coal rates. . . . .	4	148
Almonte, town of, and Canadian Pacific Railway Company, street crossings. . . . .	4	219
Anchor Elevator and Warehousing Company, <i>et al.</i> , and Canadian Pacific Railway Company, <i>re</i> switching grain. . . . .	4	259
Apples, rates on, complaint of the Simcoe Fruits, Limited, Barrie, Ont., and the Fruit Growers' Association of Ontario. . . . .	8	275
Application Canadian Pacific Railway Company <i>re</i> location of railway, taking lands and approval of proposed new station at Guelph, Ont. . . . .	7	300
Application Grand Trunk Railway to take land near Guelph, Ontario. . . . .	7	300
Application Grand Trunk Railway Company to re-arrange team tracks at Guelph, Ontario. . . . .	7	300
Applications, Ruling of Board <i>re</i> . . . . .	4	229
Ashdown Hardware Co., Ltd., J. H., Winnipeg, Man., <i>re</i> Canadian Car Service Rules. . . . .	7	356
Atikokan Iron Company of Port Arthur, Ontario, <i>vs.</i> Canadian Pacific Railway <i>re</i> switching charges on pig-iron. . . . .	7	257
Attorney General of province of British Columbia <i>vs.</i> Canadian Pacific Railway Company, <i>re</i> tolls for freight and passenger traffic. . . . .	5	201
Baker, Reynolds & Company <i>vs.</i> Canadian Pacific Railway Company, <i>re</i> overcharge. . . . .	5	252
Banks, C. R., and Dominion Atlantic Railway Company <i>re</i> shipment of cornmeal. . . . .	4	237
Bar Iron, rates on, London to Blind River, Ontario. . . . .	9	261
Battle Creek Toasted Corn Flake Co., <i>re</i> carload minimum weight on Toasted Corn Flakes. . . . .	6	312
Baxter, E. & B., township of Bertie, Ontario <i>vs.</i> Grand Trunk Railway Company, <i>re</i> branch line to stone quarry. . . . .	7	321
Bayly <i>vs.</i> Bell Telephone Co., <i>re</i> rental of telephone. . . . .	6	185
Bay of Quinte Railway Company and Kingston & Pembroke Railway Company. . . . .	4	290
Bay of Quinte Railway Company's siding, use of, by Canadian Pacific Railway Company. . . . .	8	268
Bell Telephone Company, <i>re</i> Nipissing Power Company <i>re</i> wire crossing. . . . .	5	251
Bell Telephone Company and Windsor, Essex & Lake Shore Rapid Railway Company. . . . .	4	285
Bell Telephone Company and Windsor Hotel <i>re</i> agreement. . . . .	4	232, 307
Bell Telephone Company rates, application of city of Montreal. . . . .	8	19, 267
Bell Telephone Company crossing Canadian Pacific and Grand Trunk Railways at Brock avenue, Toronto. . . . .	8	212
Bell Telephone Company, complaint of Medico-Chirurgical Society of Montreal. . . . .	9	252
Berries, small fruits and vegetables, rates on, application Stockton & Mallinson <i>vs.</i> Dominion Express Company. . . . .	8	276
Bertram & Sons, and Hamilton & Dundas Street Railway Company, <i>et al.</i> , <i>re</i> branch line. . . . .	4	161
Birtle Agricultural Society of Manitoba <i>vs.</i> Canadian Pacific Railway and Grand Trunk Pacific Railway <i>re</i> maintaining agent at Kelloe. . . . .	6	328
Blaugas Company, Limited, <i>vs.</i> Canadian Railway Companies <i>re</i> classification of Blaugas in cylinders. . . . .	6	339
Bloor Street Viaduct, Canadian Pacific Railway and Canadian Northern Railway, application of city of Toronto. . . . .	9	228

Subject.	Volume.	Page.
Bowerman & Cushing Bros., <i>re</i> spur Canadian Pacific Railway, city of Saskatoon, Sask. . . . .	7	311
Heyes <i>vs.</i> Dominion Express Company <i>re</i> returned C.O.D. collection charges. . . . .	8	279
Boyd & Kaulbach <i>vs.</i> Canadian Pacific Railway <i>re</i> amended location. .	6	216
Bonness' Ferry Lumber Company, Limited, <i>vs.</i> Great Northern Railway Company <i>re</i> violation of long and short haul clause. . . . .	5	247
Brampton, town of, <i>vs.</i> Grand Trunk and Canadian Pacific Railway Companies <i>re</i> interchange switch. . . . .	5	317
Brandon, Manitoba, city of, <i>vs.</i> Canadian Pacific and Canadian Northern Railway Companies <i>re</i> transfer track. . . . .	7	309
Brant Milling Co., and Grand Trunk Railway Company. . . . .	4	150
Brantford & Hamilton Electric Railway and Grand Trunk Railway Company <i>re</i> Cainsville Crossing. . . . .	4	217
Brantford & Hamilton Railway Co., <i>re</i> carriage of troops. . . . .	4	221
Bridgeburg, Village of, Ontario <i>vs.</i> Canadian Pacific Railway and M. C. R. R. <i>re</i> street crossing. . . . .	7	329
Bridge over Moira River, Belleville, Ontario, C.N.R. . . . .	9	186
British American Oil Company <i>vs.</i> Grand Trunk Railway <i>re</i> petroleum oil traffic. . . . .	6	165
British American Oil Company <i>vs.</i> Grand Trunk Railway <i>re</i> petroleum oil traffic. . . . .	5	209
British Columbia News Company, <i>re</i> express rates on magazines and periodicals, from Vancouver, B.C. . . . .	7	285
British Columbia Sugar Refining Co., <i>vs.</i> Pere Marquette R. R. Co., <i>re</i> rates on sugar. . . . .	5	279
Brotherhood of Locomotive Engineers, in <i>re</i> complaints of. . . . .	6	189
Brown, A. L., <i>vs.</i> Canadian Pacific Railway and Canadian Northern Railway, <i>re</i> car supply for soft coal. . . . .	6	160
Brown Bros. Co., and Canadian Northern Railway Company, <i>re</i> loss in transit. . . . .	4	199, 225
Bulstrode Station, P.Q., Grand Trunk Railway. . . . .	9	157
Burrard Inlet Tunnel & Bridge Co. . . . .	9	137
Butterworth (J. G.), Ottawa, <i>re</i> Grand Trunk Railway spur to premises.	9	165
Byron Telephone Company <i>vs.</i> Bell Telephone Company <i>re</i> telephone connection. . . . .	6	364
Cadwell Sand and Gravel Company <i>vs.</i> Grand Trunk Railway Company <i>re</i> rates on pressed brick. . . . .	8	267
Caldwell, Township of, <i>vs.</i> Canadian Pacific Railway. . . . .	5	305
Calgary, City of, <i>et al.</i> , <i>re</i> highway crossings. . . . .	4	173
Calgary, Alberta, City of, <i>re</i> subway at 4th Street West, Canadian Pacific Railway. . . . .	7	318
Callander, Ontario, <i>re</i> width of subway under Grand Trunk Railway. .	9	227
Camden, Township of, <i>re</i> C. L. O. & W. Railway crossing forced road. .	9	228
Campbellford, Lake Ontario & Western Railway crossing Canadian Northern Railway in lot 27.8, concession B, township of Brighton, Ont. . . . .	8	210
Campbellford, Lake Ontario & Western Railway location, township of Cramahe, Ont. . . . .	8	256
Campbellford, Lake Ontario & Western Railway location, township of Clarke, Ont. . . . .	8	257
Campbellford, Lake Ontario & Western Railway crossing, road allowance between lots 12 and 13, con. 1, township of Murray, Ont. . .	8	258
Campbellford, Lake Ontario & Western Railway crossing Grand Trunk Railway wye, Cobourg, Ont. . . . .	8	260
Campbellford, Lake Ontario & Western Railway farm crossing, complaint of Messrs. Colwill, Rickard and Penfound. . . . .	9	193
Campbellford, Lake Ontario & Western Railway crossing farm of W. S. Provins, Kingston, Ont. . . . .	9	194
Campbellford, Lake Ontario & Western Railway diversion of Kingston Road, lots 14 and 15, township of Darlington. . . . .	9	205
Campbellford, Lake Ontario & Western Railway crossing forced road, township of Richmond, Ont. . . . .	9	215
Campbellford, Lake Ontario & Western Railway and Grand Trunk Railway crossing Cobourg and Grafton Road. . . . .	9	221
Campbellford, Lake Ontario & Western Railway crossing forced road, township of Camden, Ont. . . . .	9	228
Campbellford, Lake Ontario & Western Railway street crossings, Oshawa, Ont. . . . .	9	238
Campbellford, Lake Ontario & Western Railway and Grand Trunk Railway highway diversions of, townships of Murray and Brighton, Ont. . . . .	9	247
Canada Atlantic Railway (G. T. R.) application of, to construct spur for Export Lumber Company, crossing Preston street, Ottawa, Ont. . .	8	215
Canada Iron Corporation of St. Thomas <i>vs.</i> Michigan Central R. R. Co., <i>re</i> overcharge for tolls. . . . .	5	241

## SESSIONAL PAPER No. 20c

Subject.	Volume.	Page.
Canadian Cannery, Limited, and Canadian Pacific Railway, <i>re</i> rate on canned goods.....	4	200
Canadian Classification No. 15, Supplement 1, <i>re</i> tobacco rating.....	6	221
Canadian Condensing Company, Limited, <i>vs.</i> Canadian Pacific Railway, <i>re</i> freight rates on evaporated milk.....	6	220
Canadian Freight Association and Industrial Corporations.....	4	146
Canadian Freight Association <i>vs.</i> Fruit Growers' Association of Ontario <i>re</i> freight rates on fruit.....	5	245
Canadian Freight Association, <i>re</i> proposed local freight tariff on refrigerator cars loaded with perishable freight.....	7	233
Canadian Lumbermen's Association <i>vs.</i> Grand Trunk Railway and Canadian Pacific Railway.....	6	138
Canadian Manufacturers' Association, <i>re</i> metallic shingles.....	4	148
Canadian Northern Railway Company and Canadian Pacific Railway Company, <i>re</i> senior road question.....	4	272
Canadian Northern Railway Company, <i>re</i> Don Valley lands.....	4	306
Canadian Northern Railway Company <i>vs.</i> Grand Trunk and Canadian Pacific Railway Companies <i>re</i> Muskoka rates.....	5	254
Canadian Northern Railway Company and Don Valley Lands.....	5	299
Canadian Northern Railway Company <i>vs.</i> Grand Trunk Railway Company <i>re</i> crossing near Brighton, Ont.....	5	322
Canadian Northern Ontario Railway crossing William street, Cobourg, Ont.....	6	218
Canadian Northern Ontario Railway Company bridge over Moir river, Belleville, Ont.....	6	358
Canadian Northern Ontario Railway subway at Division st., Cobourg, Ont.....	6	224
Canadian Northern Railway Company <i>vs.</i> Canadian Pacific Railway, <i>re</i> crossing west of Jacques Cartier Junction by overhead bridge.....	6	366
Canadian Northern Railway entrance to North Toronto from the east.....	7	345
Canadian Northern Railway opening for traffic from Hallboro to Beulah, Man.....	7	348
Canadian Northern Railway (Ontario) grade separation between Avenue Road and Dovercourt Road, Toronto, Ont.....	8	207
Canadian Northern Railway (Ontario) amended location from Davenport to MacClennan avenue, Toronto.....	8	207
Canadian Northern Railway crossing road allowance between sections 20 and 29, township 16, range 26, W 2 M.....	8	219
Canadian Northern Railway location through North Bay, Ont.....	8	229
Canadian Northern, Cut-Off through River Park, Winnipeg, Man.....	8	281
Canadian Northern Railway Bridge over Assiniboine river.....	8	245
Canadian Northern Railway Company location between Concessions 5 and 6, townships of South Orillia and North Orillia.....	8	251
Canadian Northern Railway train service, Edam to Mervin, Sask.....	8	254
Canadian Northern Saskatchewan Railway crossing Grand Trunk Pacific Railway in town of Yorkton, Sask.....	8	245
Canadian Northern Railway Company, complaint <i>re</i> reduction of passenger train service in Alberta and Saskatchewan.....	9	142
Canadian Northern Cut-Off, Winnipeg, Manitoba.....	9	162
Canadian Northern Tunnel Company, revised location through Rainville property.....	9	190
Canadian Northern Ontario Railway crossing farms of J. J. Stinson and Robert Moore, township of Nepean, Ontario.....	9	195
Canadian Northern Ontario Railway cattle pass, John Scissons, township of March, Ontario.....	9	196
Canadian Northern Ontario Railway crossing farm of E. Good, township of Nepean, Ontario.....	9	196
Canadian Northern Railway farm crossing—H. Ray, township of March, Ontario.....	9	201
Canadian Northern Railway crossing, county of Carleton Highway, between concessions 3 and 4.....	9	242
Canadian Oil Companies, Limited, <i>vs.</i> Grand Trunk Railway and Canadian Oil Companies, Limited, <i>vs.</i> Canadian Pacific Railway, <i>re</i> rates on petroleum and its products.....	7	194
Canadian Pacific Railway <i>re</i> branch line east of Don, Toronto, Ont.....	4	156
Canadian Pacific Railway Company and Geo. Moore & Co., <i>re</i> refund.....	4	211
Canadian Pacific Railway, <i>et al.</i> , and Grand Trunk Railway <i>re</i> Lennoxville crossing.....	4	187
Canadian Pacific Railway Co., and Grand Trunk Railway Co., <i>re</i> London Interswitching.....	4	164, 220
Canadian Pacific Railway Co., <i>re</i> Kaladar drainage.....	4	191
Canadian Pacific Railway Co., and Grand Trunk Railway Company <i>re</i> Queen's Wharf crossing, Toronto.....	4	183
Canadian Pacific Railway Co., and Township North Dumfries.....	4	162
Canadian Pacific Railway Company expropriation of land in municipality of Coquitlam, B.C.....	7	304



Subject.	Volume.	Page.
Canadian Pacific Railway <i>re</i> spur to Government House property, Toronto, Ontario.	7	322
Canadian Pacific Railway Company, <i>re</i> road diversion, township of Eldon, Ontario.	7	328
Canadian Pacific Railway Company, application of, to construct spur connecting its Toronto to London line with Toronto to Owen Sound line, townships of York and Etobicoke.	8	211
Canadian Pacific Railway, application of, to cross highways in the townships of York and Etobicoke, Ontario.	8	211
Canadian Pacific Railway, application to cross underneath Grand Trunk Railway in the village of Weston, township of Etobicoke, Ontario.	8	211
Canadian Pacific Railway (Ontario & Quebec Railway) application of, to expropriate lands of the Toronto & Niagara Power Company near Islington, Ontario.	9	161
Canadian Pacific Railway Company's Port Moody North Shore Branch, location of.	9	183
Canadian Piano and Organ Manufacturers' Association, <i>re</i> minimum weight carload on pianos.	6	317
Canadian Portland Cement Company, application for a through rate on bituminous coal from Black Rock, N.Y., to Marlbank, Ontario.	5	231
Canadian Press, Limited, application of, <i>re</i> telegraph tolls.	8	266
Canadian Stove Manufacturing, Jencks Machine Co., Ltd., Sherbrooke, P.Q., <i>et al.</i> , <i>re</i> track scale allowances.	7	262
Cardston Board of Trade <i>vs.</i> Alberta Railway & Irrigation Company, <i>re</i> excessive charges.	5	236
Car Service Rules.	4	144
Carberry, Manitoba, siding, Canadian Pacific Railway.	8	262
Cartage tolls, new tariffs of.	8	67-270
Cartage arrangements in Eastern Canada.	9	291
Carload rating on peanut butter.	9	295
Cassiar District, B.C., station location Grand Trunk Pacific Railway application, Robert Kelley.	8	281
Cattle killed on line of Canadian Pacific Railway, complaint of P. Cherbo of Sirdar, B.C.	8	248
Cattle pass, John Scissons, township of March, Ontario, C. N. O. Ry.	9	196
Cattle pass under C. N. O. R., Robert Wilson, township of Westmeath, Ontario.	9	198
Cedar Dale, Police Village of, and Grand Trunk Railway Company <i>re</i> Simcoe crossing.	4	204
Central Saskatchewan Boards of Trade and Grand Trunk Pacific Railway Company.	5	311
Chatham, Wallaceburg & Lake Erie Railway Company, and Canadian Pacific Railway Company. Street crossings, Chatham, Ontario.	4	154
Chambre de Commerce of the District of Montreal, <i>re</i> separation of grades, Grand Trunk Railway.	7	324
Chambre de Commerce, Province of Quebec, application of, <i>re</i> re-opening of Southeastern Railway by Canadian Pacific Railway.	8	290
Chinook Coal Company <i>vs.</i> Canadian Pacific Railway <i>re</i> spur.	7	314
Chisholm, township of, highway crossing Canadian Northern Railway.	7	255
Christie, Henderson & Co. <i>vs.</i> Grand Trunk Railway Company.	5	320
Claims against railway companies.	4	194
Clarke, township of, <i>vs.</i> Canadian Northern Ontario Railway <i>re</i> Choats road crossing.	6	158
Clarke, township of, <i>vs.</i> Canadian Northern Ontario Railway <i>re</i> crossing road at lots 10 and 11, concession 4.	6	213
Clearance from track of structure over four feet high. (General Order No. 68).	9	144
Clarkson, Ontario, <i>re</i> Grand Trunk Railway crossing at.	9	246
Coal rates for manufacturing purposes. Grand Trunk Railway Company.	4	147
Cokerline, Robert J., and Guelph & Goderich Railway Company <i>re</i> undercrossing.	4	169
Construction Paving Company <i>vs.</i> Canadian Pacific Railway Company. <i>Re</i> through rates on oil.	5	215
Columbia Flour Mills Company <i>vs.</i> Canadian Pacific Railway Company <i>re</i> highway crossing.	5	250
County of Carleton <i>vs.</i> city of Ottawa. <i>Re</i> Wellington street crossing.	5	246
Cottrell <i>vs.</i> Canadian Pacific Railway, in <i>re</i> team track delivery.	6	137
Conrad, Col. J. H., <i>vs.</i> White Pass & Yukon Route, <i>re</i> freight rates on ores.	6	153
Cox & Company <i>vs.</i> Canadian Pacific Railway Company, freight rates on lumber.	7	236
Colborne Municipal Telephone Association <i>vs.</i> Bell Telephone Company <i>re</i> connection at Goderich, Ontario.	7	289
Corn and cornmeal, rates on.	8	71

## SESSIONAL PAPER No. 20c

Subject.	Volume.	Page.
Cobourg & Grafton Road, crossing of by Grand Trunk Railway and C. L. O. & W. Ry. . . . .	9	221
Cobourg, Ontario <i>re</i> Grand Trunk Railway crossing King street. . . . .	9	226
Commutation tickets, Grand Trunk Railway, between St. Hyacinthe and Montreal. . . . .	9	295
Cream, tariff on, by Dominion and Canadian Northern Express Companies. . . . .	8	280
Crescent, B.C., train service, Great Northern Railway. . . . .	8	242
Crows' Nest Branch (C.P.R.), revised location, mileage 15 to 53.1. . . .	8	219
Crowsnest Pass Coal Company and Canadian Pacific Railway Company <i>re</i> tolls. . . . .	4	249
Currie, Rev. H. B., Alberni, B.C., <i>re</i> alleged excessive freight rates by Canadian Pacific Railway Company. . . . .	7	230
Dawson Board of Trade <i>vs.</i> White Pass & Yukon Railway, <i>et al.</i> , <i>re</i> freight and passenger rates. . . . .	5	219
Dawson Board of Trade <i>vs.</i> White Pass & Yukon Route <i>re</i> general freight rates. . . . .	6	346
Davy <i>vs.</i> Niagara, St. Catharines & Toronto Railway Company and Michigan Central Railway Company, <i>re</i> express freight charges on wood pulp from Thorold, Ontario. . . . .	7	189
Delta, B.C., application municipal corporation of, <i>re</i> River Road, Vancouver, Victoria & Eastern Railway. . . . .	8	240
Delta Shingle Company's spur, G. N. R., near Townsend Station, B.C.. . .	8	250
Delivery to car barges, charge by Canadian Pacific Railway Company incoming and outgoing at Kelowna, B.C.. . . .	9	273
Demurrage charges, car shortage and congestion of traffic. . . . .	8	78
Demurrage charges, temporary increase of. . . . .	8	270
Demurrage, reciprocal. . . . .	8	80
Denman, J. J., Edmonton, Alberta <i>re</i> Canadian Northern Railway refund of switching charges. . . . .	7	258
Desilets, Thaddee <i>vs.</i> Grand Trunk Railway, <i>re</i> farm crossing. . . . .	6	327
Didsbury, Alberta, highway crossings. . . . .	4	181
Digman, J. S., and Bell Telephone Company. . . . .	4	289
Discrimination. . . . .	4	199
Diversion of Toronto street, Moosejaw, Sask., by Grand Trunk Pacific Railway. . . . .	9	220
Dominion Concrete Co., Ltd., and Canadian Pacific Railway Company, <i>re</i> rate on concrete blocks. . . . .	4	198
Dominion Millers' Association, <i>re</i> rates on flour to Maritime Provinces from Grand Trunk Railway and Canadian Pacific Railway points. . . .	7	191
Dominion Sugar Company, Limited, Wallaceburg, Ontario, <i>vs.</i> Pere Marquette Railway Company, C. W. & L. E. Ry., Canadian Pacific Railway, Grand Trunk Railway, Michigan Central Railroad Company, Grand Trunk Pacific Railway and Canadian Northern Railway, <i>re</i> rates on sugar. . . . .	7	243
Dominion Park Company of Montreal <i>vs.</i> Bell Telephone Company <i>re</i> telephone rates. . . . .	6	321
Don Improvement Bridge at Queen street, Toronto, Ont. . . . .	5	315
Don Valley, Canadian Pacific Railway bridge 92.7. . . . .	9	240
Don Viaduct, Toronto, Ont. <i>re</i> Canadian Pacific Railway double track bridge. . . . .	9	243
Doolittle & Wilcox and Grand Trunk Railway Co., <i>et al.</i> , <i>re</i> rates on stone. . . . .	4	243
Drainage applications to the Railway Commission. . . . .	5	322
Druid, Sask., location Grand Trunk Pacific Railway and Canadian Pacific Railway stations. . . . .	8	283
Dunrobin, Ontario, station accommodation, Canadian Northern Railway. .	9	154-155
Duthie, J. H., and Grand Trunk Railway Company. . . . .	4	143
Eastern Townships Lumber Company against proposed increase on pulpwood from stations on the Temiscouata railway to points in New York State and other points reached by the Intercolonial railway.. .	9	299
Eby, <i>et al.</i> , <i>vs.</i> Grand Trunk Railway <i>re</i> station at Kitsum Kalum, B.C. . . .	7	371
Eddy Co., The E. B. and Grand Trunk Railway Company. . . . .	4	201
Edmonton Board of Trade <i>vs.</i> Canadian Pacific Railway and Canadian Northern Railway <i>re</i> freight rates. . . . .	6	210
Edmonton, City of, <i>re</i> electric railway crossing Edmonton, Yukon & Pacific Railway by subway. . . . .	7	320
Edmonton, Alberta, City of, <i>re</i> opening of Peace and Athabasca avenues across Calgary & Edmonton Railway. . . . .	9	236
Edmonton, street railway crossing Grand Trunk Pacific Railway at Twenty-first street. . . . .	8	212
Elder Dempster & Company <i>vs.</i> Canadian Pacific and Grand Trunk Railway Companies, <i>re</i> merchandise for export. . . . .	5	281
Embargo. . . . .	8	77
Embargo on sand loaded in cars. . . . .	8	61
Emergency valve on passenger equipment, location of. . . . .	8	92

Subject.	Volume.	Page.
Empire Refining Company, Ltd., <i>vs.</i> Pere Marquette R.R. and C.W. & L.E. Ry. Co., <i>re</i> tank car equipment...	5	285
Entwistle, Alberta, complaint village of, <i>re</i> discrimination by the Grand Trunk Pacific Railway...	9	142
Entwistle, Alberta, complaint, municipality of, <i>re</i> accommodation and facilities at that point, Grand Trunk Pacific Railway...	8	250
Equipment of electric cars with air brakes...	8	91
Erickson, B.C., loading platform, Canadian Pacific Railway...	8	285
Erroneous rate quotations...	4	173
Essex Terminal and Windsor, Essex & Lake Shore Rapid Railways...	5	306
Essex Terminal Railway Co., and W.E. & L.S.R. Ry. Co., <i>re</i> crossings...	4	279
Excess baggage...	8	18
Express Companies' Contract Forms...	4	193
Express Companies' Tariffs...	4	193
Express Judgment, General...	6	240
Express Rates on Cream to be used for the manufacture of butter...	7	268
Express Rates for return of empties...	7	278
Express Companies' delivery limits...	7	278
Express Collection and delivery. Complaint residents of St. George, Ontario <i>vs.</i> Canadian Express Company...	7	279
Express Receipt Forms...	7	280
Express Traffic Association. Application to withdraw and cancel section "D" of Classification C.R.C. No. 2...	7	281
Express delivery limits. City of Ottawa, Ont...	8	279
Express Rates...	8	278
Express Rates on small fruits and vegetables...	8	3
Express Rates...	9	309
Eureka Coal and Brick Co., <i>vs.</i> Canadian Pacific Railway Co., <i>re</i> coal rates from Estevan, Sask...	6	328
Eureka Coal Company <i>vs.</i> Canadian Pacific Railway <i>re</i> discrimination.	5	223
Farm Crossings on C.L.O. & W. Ry...	9	193
Farm Crossings, C.N.O. Ry., property of J.J. Stinson...	9	195
Farm Crossing, C.N.O. Ry., township of Nepean, Ont., C.N.O.R...	9	196
Farm Crossing, E. Good, township of Nepean, Ont., C.N.O.R...	9	201
Farm Crossing, H. Ray, township of March, Ont., C.N.R...	8	8
Fencing of a railway company's right of way...	8	238
Fencing between Dufresne and St. Ann, Man., C.N.R...	8	239
Fencing, exemption from, Grand Trunk Pacific Railway...	8	263
Fencing, Canadian Northern Railway, Nutana, Sask...	9	151
Fencing along Canadian Pacific Railway at Savona, B.C...	8	288
Ferguson avenue, Hamilton, shunting on...	8	81
Fires, regulations for the prevention of...	9	271
Flannelette sheets, classification of, application Montreal Board of Trade.	6	227
Flat Cars, in shipment of long materials and stone...	9	215
Forced road crossing by C.L.O. & W. Ry., township of Richmond...	9	152
Fort Fraser, B.C., proposed station and station site, Grand Trunk Pacific Railway...	9	152
Fort George, B.C., station location of, Grand Trunk Pacific Railway...	7	330
Fort Saskatchewan Trail, North Edmonton, Alberta, <i>re</i> diversion by Grand Trunk Pacific Railway...	6	164
Fort William, City of, <i>vs.</i> Copp Bros. <i>re</i> Canadian Pacific branch line crossing...	8	236
Fort William, Ontario, application Canadian Pacific Railway to cross May and Ridgeway streets...	9	180
Fort William, Ontario, application Grand Trunk Pacific Railway <i>re</i> spur along Empire avenue to William street...	8	284
Forward, Sask., application town of, for station and telegraph service, Canadian Pacific Railway...	7	261
Freight Claims Bureau, Winnipeg, Manitoba <i>vs.</i> Canadian Northern Railway and Canadian Pacific Railway <i>re</i> collection of claims...	8	73
Fruit, transportation of...	9	309
Fullerton Lumber & Shingle Co., Vancouver, B.C., <i>vs.</i> Canadian Pacific Railway...	6	336
Fullerton Lumber & Shingle Co. <i>vs.</i> Great Northern Railway Company <i>re</i> lumber rates...	6	149
Galbraith Coal Company <i>vs.</i> Canadian Pacific Railway Company <i>re</i> coal rates from Lundbreck, Alberta...	8	265
Gas House coke rates out of Toronto and Hamilton, Ontario...	4	231
Gait Board of Trade and Canadian Pacific Railway Company, <i>et al.</i> , <i>re</i> interchange tracks...	7	242
Gait Horse Show Association <i>vs.</i> Grand Trunk Railway <i>re</i> passenger rates...	6	332
General Interswitching Order No. 4988...	9	176
Government elevator, Port Arthur, proper railway connection with...	9	178
Government elevator at Fort William, Ont...	9	178
Government elevator at Fort William, use of C.N.R. tracks by C.P.R. to elevator...	9	178



## SESSIONAL PAPER No. 20c

## Subject.

## Volume.

## Page.

Gramophones, carload rating on. . . . .	8	264
Gramophones, classification of. . . . .	8	37
Georgian Bay & Seaford Railway crossing highway, township of Ops, Ontario. . . . .	7	324
Georgian Bay & Seaford Railway <i>re</i> diversion of highway in township of Eldon, Ontario. . . . .	7	327
Grand Trunk Pacific Railway Company and Canadian Pacific Railway Company <i>re</i> senior road question. . . . .	4	273
Grand Trunk Pacific Railway Company and Canadian Pacific Railway Company <i>re</i> location of line Portage la Prairie. . . . .	4	156
Grand Trunk Pacific Railway Company <i>re</i> right of way, Clover Bar, Alberta. . . . .	4	173
Grand Trunk Pacific Railway <i>vs.</i> City of Fort William <i>re</i> location. . . . .	6	217
Grand Trunk Pacific Railway branch lines in <i>re</i> location in Fort William, Ontario. . . . .	6	237
Grand Trunk Pacific Railway Company, complaint Entwistle, Alberta, alleging discrimination. . . . .	9	142
Grand Trunk Pacific Railway station and station site at Fort Fraser, B.C. . . . .	9	150
Grand Trunk Pacific Railway spur along Empire avenue to William st., Fort William, Ont. . . . .	9	180
Grand Trunk Pacific Railway application to divert Toronto street, Moosejaw, Sask. . . . .	9	220
Grand Trunk Railway Company <i>re</i> reduced rates on coal for manufacturing purposes. . . . .	4	147
Grand Trunk Railway Company <i>re</i> expropriation of land, St. Henri and Ste. Cunegonde. . . . .	4	159
Grand Trunk Railway Company <i>re</i> taking of lands, Toronto. . . . .	4	158
Grand Trunk Railway and United Counties Railway Company <i>re</i> senior road question. . . . .	4	271
Grand Trunk Railway and Grand Trunk Pacific Railway <i>vs.</i> City of Fort William and Fort William Land Investment Company. . . . .	6	211
Grand Trunk Railway and Niagara, St. Catharines & Toronto Railway Company, interlocker between Clifton Junction and Stamford, Ont. . . . .	6	319
Grand Trunk Railway <i>re</i> crossing Stave Bank Road and Centre Road, near Port Credit, Ontario. . . . .	7	329
Grand Trunk Railway <i>re</i> Toronto grade separation. . . . .	7	340
Grand Trunk Railway siding at Prairie Siding, Ont. . . . .	9	157
Grand Trunk Railway spur in Municipality of Weston, Ont., to Roman Stone Company's premises. . . . .	9	175
Grand Trunk Railway <i>vs.</i> Canadian Pacific Railway, reconstruction of bridge No. 145, mileage 12.23, 10th District, Grand Trunk Railway. . . . .	9	210
Grand Trunk Railway crossing west of Vaudreuil, P.Q. . . . .	9	214
Grand Trunk Railway crossing King street, Cobourg, Ont. . . . .	9	226
Grand Trunk Railway <i>re</i> width of subway under, at Callander, Ont. . . . .	9	227
Grand Trunk Railway crossing at Clarkson, Ont. . . . .	9	246
Grand Trunk Railway, application Alexander Pilon, Casselman, Ontario. . . . .	9	289
Grant, F. W., and Grand Trunk Railway Company, coal rates. . . . .	4	150
Greenfield Company's spur Grand Trunk Railway, Toronto. . . . .	9	172
Great Northern Railway and Canadian Northern Railway <i>re</i> coal rates from Duluth, Minn., to Winnipeg, Man. . . . .	6	361
Great Northern Railway culvert on Clover Valley Road, Tynehead Station, B.C. . . . .	9	150
Great Northern Railway, complaint against, by Iron Mountain, Ltd., Hudson Bay Mine and Queen Mines of Salmo, B.C., <i>re</i> car supply. . . . .	9	259
Great West Development Company's spur, Winnipeg, and Canadian Pacific Railway. . . . .	4	195
Grimsby Beach, Ont., protection of Grand Trunk Railway crossing just east of . . . . .	7	362
Guelph & Goderich Railway Company <i>re</i> taking of lands, Grand Trunk Railway Company, Goderich. . . . .	4	160
Guelph & Goderich Railway Company, and Guelph Radial Railway Company crossing. . . . .	4	172
Haight, W. M., Piper Siding, B.C. <i>vs.</i> G. N. R. <i>re</i> spur near Vancouver, B.C. . . . .	7	313
Halifax Board of Trade <i>vs.</i> Canadian Express Company <i>re</i> express rates Halifax to Charlottetown. . . . .	7	283
Hamilton, City of, removal of poles, wires and cables from certain streets. . . . .	9	134
Hamilton, Ontario, City of, <i>re</i> T. H. & B. Railway entrance into. . . . .	9	191
Hamilton Street Railway crossing T. H. & B. Railway at Main and Frolley streets, Hamilton, Ont. . . . .	9	215
Harbour street, Montreal, diversion of, application of Lachine, Jacques Cartier & Maisonneuve Railway to expropriate lands of the Montreal Gas Company. . . . .	9	159
Hastings street crossing, Westminster Junction, B.C. . . . .	8	242
Heated Car Service. . . . .	8	75-90

Subject	Volume.	Page.
Height of Cars, limitation of. . . . .	7	357
Highways, closing of, jurisdiction of Board. . . . .	9	209
High River, Alberta, crossings. . . . .	4	179
Highway Crossings, <i>re</i> apportionment of cost. . . . .	4	168
Highway Crossings over railways. . . . .	4	173, 237
Highway Crossings, in <i>re</i> protection of. . . . .	6	368
Highway Crossings, Grand Trunk Pacific Branch Lines Company. . . . .	7	315
Highway Crossings, protection of, township of Front of Prescott. . . . .	7	360
Highway Crossing signals. . . . .	8	88-90
Highway Crossings, Canadian Pacific Railway, Woodstock, N.B. . . . .	8	218
Hope & Sons (Henry), Peterborough, Ont., <i>re</i> Canadian Pacific Railway shop. . . . .	9	180
Humber River Bridge, Toronto, Ontario, settling terms of order. . . . .	7	323
Hydro-Electric Power Commission of Ontario, in <i>re</i> applications. . . . .	6	211
Imperial Steel & Wire Co., Limited, <i>vs.</i> Grand Trunk Railway in <i>re</i> shipment of wire nails. . . . .	6	359
Import Wood Pulp. . . . .	9	296
Ingersoll Telephone Company and Harrison Telephone Company, Ltd., <i>et al.</i> , <i>vs.</i> Bell Telephone Company <i>re</i> long distance connection. . . . .	7	289
Injuries to enginemmen through derailment while running engines tender first. . . . .	8	93
Interlockers. . . . .	4	304
Interswitching. . . . .	4	214, 243
Interswitching at Ingersoll, Ontario. . . . .	6	334
Iron Mountain, Limited, The Hudson Bay Mines and Queen Mines of Salmo, B.C., complaint of against G.N.R. . . . .	9	259
Islington, Ontario, application Ontario & Quebec Railway Company to expropriate lands of The Toronto & Niagara Power Company. . . . .	9	161
James Bay Railway Company and Grand Trunk Railway Company <i>re</i> Beaverton crossing. . . . .	4	153
James Bay Railway Company and Grand Trunk Railway Company <i>re</i> Belt Line crossing, Toronto. . . . .	4	194
Japan, Consul-General of, <i>re</i> Canadian Telegraph Companies trans- mitting telegrams in plain Japanese language. . . . .	9	254
Joint freight and passenger tariffs against sums of locals. . . . .	5	216
Joint tariffs. . . . .	5	275
Joint express rates. . . . .	8	42
Kaministiquia Power Company and Canadian Pacific Railway Company, <i>et al.</i> , <i>re</i> Power line crossings. . . . .	4	184
Kelly <i>vs.</i> Grand Trunk Pacific Railway <i>re</i> station location at South Hazelton, B.C. . . . .	7	372
Kelowna, B.C., <i>re</i> charges incoming and outgoing car delivery to car barges. . . . .	9	273
Kerr <i>vs.</i> Canadian Pacific Railway Company <i>re</i> rates on grain, grain products and vegetables. . . . .	5	207
Kettle Valley Railway, location of. . . . .	9	189
Kingston Road, diversion, lots 14 and 15, township of Darlington, by C. L. O. & W. Ry. . . . .	9	205
Kipp Station, Alberta, in <i>re</i> location of, Canadian Pacific Railway. . . . .	6	223
Kipp, Alberta, residents of <i>vs.</i> Canadian Pacific Railway <i>re</i> station accom- modation. . . . .	7	372
Lac Du Bonnet, Man., location of Canadian Pacific Railway station. . . . .	8	284
Lachine, Jacques Cartier & Maisonneuve Railway Company (G.T.R.) <i>vs.</i> Canadian Pacific Railway, <i>re</i> level crossing near Jacques Cartier Junction. . . . .	6	366
Lachine, Jacques Cartier & Maisonneuve Railway <i>re</i> street crossings in Montreal, P.Q. . . . .	7	338
Lachine, Jacques Cartier & Maisonneuve Railway, application to expro- priate lands of Montreal Gas Company for diversion of Harbour street. . . . .	9	159
Lachine Road Crossing by Grand Trunk Railway at Rockfield, P.Q., pro- tection of. . . . .	7	361
Laidlaw Lumber Company, Limited, <i>re</i> interswitching. . . . .	4	252
Lake Erie & Northern Railway location from Brantford through Paris to Galt, Ontario. . . . .	9	181
Lake Erie & Northern Railway crossing Brantford Street Railway. . . . .	9	229
Lamontagne, Limited, Montreal, P.Q., <i>re</i> classification of mixed carloads of trunks, valises and saddlery. . . . .	7	186
Ledoux Company, H. E., carload classification on cigars. . . . .	6	318
Ledoux Company, Limited, H. E., <i>re</i> carload rating on cigars. . . . .	7	185
Lennoxville Crossing, Canadian Pacific Railway, <i>et al.</i> . . . .	4	187
Lethbridge, Alberta, electric railway crossing Canadian Pacific Railway at Westminster street. . . . .	8	216
Little Creek drain under Grand Trunk Railway, township of Tilbury, Ont. Location of station at Fort George, B.C., Grand Trunk Pacific Railway. . . . .	9	149
Locomotive engines in international traffic. . . . .	8	89

## SESSIONAL PAPER No. 20c

Subject.	Volume.	Page.
London Fence Company <i>vs.</i> Canadian Northern Railway Company...	5	301
London Fence, Limited, and Canadian Northern Railway Company <i>re</i> crossing...	4	291
London & Lake Erie Transportation Company, <i>re</i> changing train stops between London and Port Stanley, Ont. ....	8	292
London Interswitching case, Canadian Pacific Railway <i>vs.</i> Grand Trunk Railway...	7	258
Lord's Day Act. Grand Trunk Railway Company...	4	230
Lord's Day Act and Canadian Pacific Railway, <i>re</i> labour at Owen Sound and Fort William...	6	200
Lynch, Edward, Maynooth, Ontario, <i>vs.</i> Central Ontario Railway <i>re</i> farm crossing...	6	335
MacGregor-Gourlay Co., Ltd., <i>re</i> Grand Valley Railway Company...	4	169
Maddaugh, J. A., <i>vs.</i> Canadian Northern Railway Company <i>re</i> joint tariffs...	5	275
Mahon, W. H., complaint of, <i>re</i> Victoria Bridge, lights and tolls, Montreal, P.Q. ....	9	148
Main track switches, protection of and adoption of adequate block system...	7	358
Malaher, Basil H., and Canadian Northern Railway Company <i>re</i> overcharge...	4	238
Malkin & Sons and Grand Trunk Railway Company <i>re</i> discrimination..	4	268
Manitoba <i>Free Press</i> , <i>et al.</i> , <i>vs.</i> Dominion Express Company, <i>et al.</i> , <i>re</i> express rates on newspapers...	5	269
Manitoba <i>Free Press</i> , Winnipeg, <i>re</i> express classification on newspapers.	7	286
Manitoba Brewing & Malting Company <i>vs.</i> Canadian Northern Railway, <i>re</i> spur, Winnipeg, Manitoba...	7	310
Mannville, Village of, and Canadian Northern Railway Company crossing...	4	238
March, township of, C. N. O. R. crossing County of Carleton highway, between Concessions 3 and 4. ....	9	242
Maritime Cornmeal Mills of St. John, N.B., <i>vs.</i> The Canadian Pacific Railway Company <i>re</i> rates on cornmeal...	5	240
Market Street Bridge, over canal and right of way on Cockshutt Road, Brantford...	5	313
Maximum express charges for cream shipments west of Port Arthur..	8	11
McDiarmid & Gall <i>vs.</i> Grand Trunk and Canadian Pacific Railways Companies <i>re</i> extension of free time for unloading charcoal from two to three days...	5	201
McDougall & Secord and Canadian Pacific Railway Company...	4	301
McKenzie, John, <i>et al.</i> , and Grand Trunk Railway Company <i>re</i> rates on telegraph poles, etc. ....	4	260
McPhillips Street Subway, application Winnipeg Electric Railway to operate cars over Canadian-Pacific Railway at subway...	8	239
Meath, Ontario, location of Canadian Pacific Railway station and freight shed...	8	280
Medicine Hat, Alberta, subways under Canadian Pacific Railway at Toronto and Esplanade streets...	9	216
Medico-Chirurgical Society of Montreal <i>vs.</i> Bell Telephone Company	9	252
Mervin, Sask., as to lake and railway facilities, complaint of residents in vicinity of...	8	60
Metallic Shingles, application Kemp Manufacturing Company and Winnipeg Ceiling and Roofing Company of Winnipeg...	5	262
Michigan Sugar Company <i>vs.</i> C. W. & L. E. Ry., <i>re</i> freight rates on sugar beets...	6	205
Midland Railway Company of Manitoba, application to cross Canadian Pacific Railway spur near Wall street, Winnipeg, Man. ....	8	237
Millfeeds from Lethbridge, Alberta, rates on, over Canadian Pacific Railway and Grand Trunk Railway...	9	285
Milling-in-transit rates, St. Thomas, Ontario	9	289
Milling-in-transit, Ontario & Manitoba flour mills, Sudbury, Ontario...	9	298
Mission District Board of Trade and Canadian Pacific Railway, Horne avenue crossing...	8	241
Moirs River, Belleville, C. N. R. bridge over...	9	186
Montreal Board of Trade, <i>re</i> Cartier stopover...	4	256
Montreal Produce Merchants' Association and Grand Trunk Railway Company, <i>et al.</i> , <i>re</i> winter export rates...	4	222
Montreal Produce Merchants' Association <i>vs.</i> Grand Trunk and Canadian Pacific Railway Companies <i>re</i> rates on and shipments of cheese...	5	224
Montreal Board of Trade <i>vs.</i> Grand Trunk Railway and Canadian Pacific Railway <i>re</i> freight rates on grain from upper lake ports...	6	146
Montreal Milk Shippers' Association <i>re</i> freight rates on milk, shipment of milk in baggage cars...	7	227
Montreal Hay Shippers' Association, <i>re</i> increase in rates on hay from Ontario and Quebec points...	7	238



Subject.	Volume.	Page.
Montreal Board of Trade Transportation Bureau, <i>re</i> rates on corn to Maritime Provinces points. . . . .	7	253
Montreal Street Railway, Amalgamation agreement of Montreal Terminal Railway and Montreal Park & Island Railway Companies. . . . .	7	349
Montreal Board of Trade, application of, <i>re</i> classification of flannelette sheets. . . . .	9	271
Monypenny Bros & Co., and Grand Trunk Railway Co., <i>re</i> shortages. . . . .	4	218
Moor Lake accident. Canadian Pacific Railway. . . . .	4	237
Morin, K.C., J. M., St. Paul l'Hermite, P.Q., <i>vs.</i> C. N. Q. Ry. <i>re</i> highway and station at Bout de l'Île and Charlemagne, P.Q. . . . .	7	339
Motor Cars. . . . .	8	91
Murray & Brighton, townships of, highway diversions. . . . .	9	247
Mutual Transit Company and Canadian Pacific Railway, <i>re</i> Lord's Day Act. . . . .	6	237
Myles & Sons, Thos., Hamilton, Ontario, <i>re</i> rates on gas house coke. . . . .	6	367
Naylor, C. E., and W. E. & L. S. R. Ry. Co., <i>re</i> high tension wires. . . . .	4	212
Neelon, township of, highway crossing. . . . .	4	194
New, Henry, and T. H. & B. Ry. Co., <i>re</i> crossing, township of Barton, Ontario. . . . .	4	275
New Westminster and Surrey Board of Trade <i>vs.</i> Great Northern Railway <i>re</i> train service. . . . .	6	202
Niagara, St. Catharines & Toronto Railway Company and Grand Trunk Railway Company. . . . .	4	151, 152
Niagara, St. Catharines & Toronto Railway Company and Grand Trunk Railway Company, <i>re</i> Merriton crossing. . . . .	4	152
Niagara, St. Catharines & Toronto Railway Company, <i>re</i> street crossings, Thorold, Ontario. . . . .	4	168
Niagara, St. Catharines & Toronto Railway Company crossing Grand Trunk Railway on Welland avenue, St. Catharines. . . . .	8	224
North Cypress, Manitoba, municipality of, <i>re</i> transfer tracks Canadian Pacific Railway and Canadian Northern Railway at Munro Sliding and Carberry, Man. . . . .	7	310
North Toronto, elevation of Canadian Northern and Canadian Pacific tracks from Summerhill avenue to Dovercourt Road. . . . .	8	234
North Toronto Grade Separation, Canadian Pacific Railway and Canadian Northern Railway. . . . .	9	224
North Toronto, telephone rates. . . . .	9	250
Notre Dame de Grace, P.Q., protection of Canadian Pacific Railway crossing at Prud'homme avenue. . . . .	7	364
Ocean Bills of Lading. . . . .	4	221
Ontario Fruit Growers' Association and Canadian Pacific Railway Company, <i>et al.</i> . . . .	4	147
Ontario Lumber Co., Ltd., and Canadian Pacific Railway Company, <i>re</i> siding agreement. . . . .	4	226
Opening of railways for the carriage of traffic. . . . .	8	5
Operation of trains—W. E. & L. S. R. Ry. Co. . . . .	5	286
Orilla, town of, and G. B. & S. Ry., C. N. R., and G. T. R. Companies. . . . .	5	304
Osler avenue, North Toronto, <i>re</i> gates at Canadian Pacific Railway crossing. . . . .	9	210
Oshawa, Ontario, <i>re</i> crossings, C. L. O & W. Ry. . . . .	9	237
Oshawa Railway Company crossing tracks of Toronto Eastern Railway and Canadian Northern Railway, Companies in town of Oshawa. . . . .	8	234
Ottawa, City of, and Canada Atlantic Railway Company, <i>et al.</i> , <i>re</i> Bank street subway. . . . .	4	155
Ottawa, City of, and Ottawa Electric Railway Company, <i>et al.</i> , <i>re</i> Somerset street bridge, Ottawa, Ontario. . . . .	4	200
Ottawa, City of, application of, for order directing Grand Trunk Railway to remove its tracks from Preston street, Ottawa. . . . .	8	215
Park avenue subway, Montreal, P.Q. . . . .	8	233
Passenger rates. . . . .	4	194, 201
Passenger service, Canadian Northern Railway, from Winnipeg to Le Pas, Man. . . . .	8	290
Patriarche, P. C., <i>et al.</i> , and Grand Trunk Railway, <i>et al.</i> , <i>re</i> interchange of traffic. . . . .	4	171
Pea Millers' Association and Canadian Railway Companies. . . . .	4	147
People's and Caledon Telephone Companies <i>vs.</i> Grand Trunk Railway and Canadian Pacific Railway Companies. . . . .	5	302
People's Telephone Company <i>vs.</i> Bell Telephone Company, <i>re</i> connecting agreement. . . . .	6	218
Père Marquette Railroad Company, highway crossing, Sarnia, Ontario. . . . .	9	230
Pilon <i>vs.</i> Grand Trunk Railway. . . . .	9	289
Plains Road, west of Burlington Junction, Ontario, Grand Trunk Railway and C. N. O. R. subway. . . . .	9	203
Plunkett, S. Woodbridge, Ontario, <i>re</i> Canadian Pacific Railway crossing lot 4, con. 7, township of Vaughan, Ont. . . . .	7	327

## SESSIONAL PAPER No. 20c

Subject.	Volume.	Page.
Plymouth Cordage Company vs. Grand Trunk Railway, Michigan Central R.R. & Wabash Railway Companies, <i>re</i> freight rates...	5	242
Plymouth Cordage Company vs. Grand Trunk Railway, Michigan Central R.R. and Wabash R.R., freight rates on twine...	7	237
Port Arthur & Fort William, towns of, and Bell Telephone Company and Canadian Pacific Railway Company...	4	142
Postal Cars...	4	173
Powell Door & Lumber Company vs. Grand Trunk Railway, <i>re</i> crossing Front and John streets, Toronto, Ont...	7	321
Prescott Coal Case vs. Canadian Pacific Railway, switching charges on coal...	7	238
Prescott & Ottawa train service, Canadian Pacific Railway...	7	364
Pressed Brick, increased rates on, Bradford, Penn., to Windsor, Ont...	9	266
Pressed Brick, rate on...	8	44
Press Telegraph tolls...	8	35
Preston & Berlin Street Railway Company and Grand Trunk Railway Company, <i>re</i> Waterloo street crossings...	4	153
Preston & Berlin Street Railway Company, <i>re</i> taking of lands, Grand Trunk Railway Company, in Waterloo, Ont...	4	161
Prince Albert, City of, vs. Canadian Northern Railway Company, appeal <i>re</i> street crossings...	6	176
Prince Rupert, location Grand Trunk Pacific Railway...	7	294
Prairie Siding, Ontario, station facilities and accommodation of Grand Trunk Railway...	9	157
Private sidings...	4	218
Protection to car repairers while at work on repair tracks...	8	94
Protection to railway employees...	8	95
Provins, W. S., Kingston, Ontario, farm crossing, C. L. O. & W. Ry...	9	194
Pulpwood Rates, international...	8	69-271
Pulpwood Rates, increase in, from stations on the Temiscouata Railway to points in New York State and other points reached by the Intercolonial Railway, complaint Eastern Townships Lumber Company, Limited...	9	303
Purcell, of Saskatoon, Sask., vs. Grand Trunk Pacific Railway, <i>re</i> bus traffic from station...	7	352
Qu'Appelle, Long Lake & Saskatchewan Railway & Steamboat Company <i>re</i> taking Canadian Pacific Railway land...	7	307
Quebec Central Railway Company, <i>re</i> jurisdiction of Board...	9	139
Quebec Rifle Association, application of, <i>re</i> stopping of trains by Canadian Northern Railway, at Pointe aux Trembles, P.Q...	8	289
Queen street crossing, Palmerston, Grand Trunk Railway...	5	312
St. Boniface, Manitoba, town of, <i>re</i> Plessis street and Rue Messier crossing Canadian Pacific Railway...	7	316
St. John, City and County of, and Canadian Pacific Railway Company, <i>re</i> Fairville and Milford crossings...	4	167
St. John Ice Company, and New Brunswick Southern Railway Company...	4	206
St. John and Quebec Railway Company connecting with Canadian Pacific Railway...	8	246
St. John and Quebec Railway crossing Canadian Pacific Railway, north of McAdam Junction...	8	228
St. Mary's interswitching, Grand Trunk Railway and Canadian Pacific Railway...	6	332
St. Pierre, P.Q., town of, <i>re</i> closing by Grand Trunk Railway of Simplex street...	7	316
St. Pierre & Co., and Temiscouata Railway...	4	149
St. Thomas, Ontario, City of, vs. Grand Trunk Railway, <i>re</i> Inkerman street...	7	328
St. Thomas, City of, application to cross M. C. R. at grade on William street...	8	225
Ste. Anne de Bellevue, P.Q., <i>re</i> subway under Grand Trunk Railway and Canadian Pacific Railway...	9	244
Sarnia, Ontario, highway crossing P. M. R. R...	9	230
Scarboro', township of, <i>re</i> C.N.O.R. public highway crossing...	5	308
Scobell and Kingston & Pembroke Railway Company...	4	145
Seaman Kent Co., Ltd., vs. Canadian Pacific Railway, <i>re</i> rates on hardwood flooring...	7	254
Saskatoon, City of, <i>re</i> Canadian Northern Railway switching cars during night on spur to Power House and Avenue "B."	7	319
Sections, length of, to be worked by section gangs...	7	359
Sharp flange wheels on locomotives and tenders...	8	92
Shore Line Railway...	4	143
Signboards at railway crossings...	4	218
Silver load ore from Salmo, B.C., difference in freight charges between G. N. R. & C. P. R., Hudson Bay Milling Company...	9	274
Slade, Charles, and Canada Southern Railway Company, <i>re</i> farm crossing...	4	275

Subject.	Volume.	Page.
Smith, Walter Harland, application of, <i>re</i> Grand Trunk Railway...	5	309
Smiths Falls, Ontario, town of, <i>vs.</i> Canadian Pacific Railway, <i>re</i> protection of street crossings...	6	195
Smiths Falls, Chambers street subway...	9	208
South Hazelton, B.C., station location, Grand Trunk Pacific Railway...	8	286
Southern Central Pacific Railway <i>re</i> approval of location plan...	7	293
Southern Ontario Pacific Railway <i>re</i> taking lands of Grand Trunk Railway at Junction Cut, Hamilton, Ont. ....	7	303
Spruce avenue crossing, Edmonton, Alberta, Grand Trunk Pacific Railway...	8	220
Station sites...	4	186
Stations, flag...	8	87
Station locations...	8	8
Staunton's, Limited, and Grand Trunk Railway Company, <i>et al.</i> , <i>re</i> rates on paper...	4	171
Staunton, Alberta, farmers of, <i>vs.</i> Canadian Pacific Railway, <i>re</i> switching accommodation...	7	377
Stewart <i>vs.</i> Canadian Pacific Railway, <i>re</i> cartage of marble slabs...	6	175
Stewart, W. A., <i>vs.</i> Napierville Junction Railway, <i>re</i> service...	6	226
Stewart, W. A., Napierville, P.Q., and Village of St. Cyprien, <i>re</i> accommodation and train service of Napierville Junction Railway...	7	365
Stewart, W. A., Napierville, P.Q., <i>re</i> Delson Junction station...	7	371
Stiles and Canadian Pacific Railway Company, <i>re</i> farm crossing...	4	279
Stockton & Mallinson <i>vs.</i> Canadian Pacific Railway Company, <i>re</i> fruit rates...	5	203
Stop-off arrangement with respect to canned goods, application British Canadian Canners, Ltd., <i>vs.</i> Grand Trunk Railway...	8	266
Strachan avenue, Toronto, <i>re</i> construction of bridges across Grand Trunk Railway and Canadian Pacific Railway...	9	234
Subways under Canadian Pacific Railway at Toronto and Esplanade streets, Medicine Hat, Alberta...	9	216
Subway under Grand Trunk Railway two miles west of Brockville, Ont.	9	225
Sudbury Board of Trade, <i>vs.</i> Canadian Pacific Railway Company, <i>re</i> rates on coal...	5	277
Sugar, rate on, complaint of the British Columbia Sugar Refining Company, Vancouver, B.C. ....	8	271
Sugar from eastern points to points in western provinces, rates on...	8	63
Surrey, B.C., municipality of, <i>re</i> culvert of Clover Valley Road, at Tynehead station, B.C., G.N.R. ....	9	150
Surrey, B.C., municipality of, complaint against G. N. R., as to placing of switch and track gazetted road at Crescent, B.C. ....	9	171
Sutherland-Innes Company, <i>et al.</i> , and Pere Marquette Railway Company, <i>et al.</i> ....	4	145
Switching charges...	8	60
Switching at Mile End, P.Q., complaint of W. H. D. Miller...	8	270
Sydenham Glass Company, and Grand Trunk Railway Company, <i>et al.</i>	4	145
Sydenham, township of, <i>vs.</i> Canadian Pacific Railway Company...	5	300
Taylor, J. & J., Toronto, Ontario, <i>re</i> cartage on safes...	6	366
Tavistock, Ontario, municipality of, <i>vs.</i> Grand Trunk Railway, <i>re</i> highway crossing east of...	7	363
Telegraph Case—counting words in domestic messages...	5	259
Telegraph Companies (Canadian), application Consul-General of Japan.	9	254
Telephone Rates, North Toronto...	9	250-3
Thrift and New Westminster Southern Railway Company...	4	303
Thunder Creek, Sask., application Local Improvement District No. 161, Sask., for an overhead bridge Canadian Pacific Railway...	8	243
Times Publishing Company <i>vs.</i> Canadian Pacific Railway, Great North-western Telegraph & Western Union Telegraph Company <i>re</i> telegraph rates on press messages...	5	203
Toronto, City of, and Canadian Pacific Railway and Grand Trunk Railway, Companies, <i>re</i> viaduct...	1	292
Toronto, City of, and Grand Trunk Railway Company, <i>et al.</i> , <i>re</i> York street bridge...	4	152
Toronto, City of, and town of Brampton <i>vs.</i> Canadian Pacific Railway and Grand Trunk Railway, <i>re</i> commutation rates...	6	166
Toronto, City of, <i>re</i> Sunnyside Crossing and Keele street...	7	341
Toronto, City of, <i>vs.</i> Canadian Pacific Railway and Grand Trunk Railway <i>re</i> Toronto Viaduct Scheme...	7	348
Toronto, City of, application <i>re</i> gates or other protection by C. N. R. at Dovercourt Road, Toronto...	8	207
Toronto, Hamilton & Burlington Railway Company, <i>re</i> branch line, Hamilton...	1	263
Toronto, City of, application <i>re</i> viaduct carrying Bloor street across property of C. P. R. and C. N. O. R. ....	9	228
Toronto, Hamilton & Buffalo Railway entrance into City of Hamilton, Ontario...	9	191



## SESSIONAL PAPER No. 20c

Subject.	Volume.	Page.
Toronto Viaduct Case...	5	287
Toronto Viaduct, clearance for Canadian Pacific Railway tracks under Queen street bridge...	8	243
Tower Oiled Clothing Company, and Canadian Pacific Railway Company.	4	146
Township of York and Toronto & Niagara Power Company, and Canadian Pacific Railway, re wire crossings in lot 6, concession 3...	9	136
Township of Tilbury, Little Creek drain under Canadian Pacific Railway...	9	149
Townships of March and Torbolton, complaint of, re station site C.N.O. Ry...	9	154-5
Train service (passenger), C.N.R., Alberta & Saskatchewan...	9	142
Twin City Transfer Company (Edmonton), re soliciting passenger and baggage at Canadian Pacific Railway station...	9	144
Underground wires, application City of Hamilton, Ont...	9	134
United Factories, Limited, and Grand Trunk Railway Company...	4	146
United Fruit Company vs. Canadian Pacific Railway, re carload rating on apples...	7	255
Vancouver Eastbound vs. Winnipeg westbound rates...	4	207
Vancouver, Victoria & Eastern Railway and Navigation Company, re municipality of Delta, B.C...	4	234
Vancouver, Westminster & Yukon Railway Company, re branch lines, Vancouver, B.C...	4	222
Vancouver Board of Trade vs. Canadian Pacific Railway Company, re rates...	6	212
Vancouver, City of, re street crossings, Canadian Pacific Railway, Columbia, Carroll and Powell avenues...	6	238
Vancouver-Prince Rupert Meat Company, Vancouver, B.C., re refusal of G. N. R., to furnish duty paid refrigerator cars...	7	231
Vancouver-Prince Rupert Meat Company, Vancouver, B.C., re increase in rates on fresh meat and packing house products by G. N. R...	7	231
Vancouver, B.C., Board of Trade vs. Canadian Pacific Railway Company, re statistical information in Vancouver Rates Case...	7	351
Vancouver Ice & Cold Storage Company, re siding agreement with Canadian Pacific Railway...	8	252
Vancouver, Victoria & Eastern Railway and Navigation Company's street crossings, Vancouver, B.C...	8	222
Vaudreuil Station, P.Q., re Grand Trunk Railway crossing west of...	9	214
Vegreville, town of, Alberta, vs. Canadian Northern Railway, re Main street crossing...	6	240
Victoria Bridge, lights and tolls, Montreal, P.Q., complaint of W. Mahon.	9	148
Victoria, City of, and Esquimalt and Nanaimo Railway Company, re Esquimalt Road, Victoria West...	4	278
Victoria, City of, vs. E. & N. Ry., re Victoria Harbour bridge...	6	225
Victoria street, North Battleford, Sask., crossing by Canadian Northern Railway Company...	8	239
Visual Acuity, colour perception and hearing of railway employees on steam railways, uniform rules governing determination of...	8	52, 290
Walker, et al., and Toronto and Niagara Power Company...	4	166
Wallaceburg Sugar Company, Ltd., re demurrage...	4	257
Walpole, township of, vs. Grand Trunk Railway Company, re highway crossing...	5	320
Wegenast, F. W., and Grand Trunk Railway Company...	4	245
Western Associated Press vs. Canadian Pacific Railway Company's telegraph and Great Northwestern Telegraph Company of Canada, re press rates...	5	270
Western Rates Case...	9	289
Westmeath, township of, Canadian Northern subway across public road between concession B and 2...	8	256
Weston, Village of, and Canadian Pacific Railway Company, et al., re highway crossings...	4	231
White Pass & Yukon Route, re freight rates, complaint of Dawson Board of Trade...	7	215
Williams & Company, et al., and Canadian Pacific Railway Company, re rates on stone...	4	150
Wilson, J., and Canadian Pacific Railway Company...	4	237
Windsor, Essex and Lake Shore Rapid Railway Company and Michigan Central Railroad Company, re Talbot street, Essex, crossing...	4	188
Windsor, Ontario, City of, re Canadian Pacific Railway spurs...	9	164
Winnipeg Board of Trade, re telegraph companies' rates...	6	326
Winnipeg Builders' Exchange and Canadian Pacific Railway Company, et al...	4	164
Winnipeg, City of, and Canadian Pacific Railway Company, re Brown and Brant streets bridge...	4	231
Winnipeg Jobbers' and Shippers' Association and Canadian Pacific Railway Company, et al., re flag stations...	4	286

Subject.	Volume.	Page.
Winnipeg Jobbers' Association and Canadian Pacific Railway Company, re Kootenay rates...	4	267
Winnipeg Jobbers' Association and Canadian Pacific Railway Company, et al., re Winnipeg rates...	4	263
Wire Crossings Question...	4	224
Wire fencing, commodity rate on...	8	58, 271
Wood Coal Company and Barber-Ellis, Limited, Brantford, Ontario, com- plaint re car service rules on coal...	9	303
Works constructed in contravention of the statutes, approval of...	8	7
Wright, Jacob, and Canada Southern Railway Company...	4	196
Wylie Milling Company vs. Canadian Pacific Railway and K. & P. Ry., re freight rates on grain...	7	250
Yale, B.C., residents of, vs. Canadian Pacific Railway Company, re blocking of streets...	7	376
Yard Limit Boards...	9	250
Yonge Street Subway, Toronto, Ontario...	8	258

SESSIONAL PAPER No. 20c

## APPENDIX N.

(1)

January 15, 1915.

## BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

List of Steam Railways in operation or under construction subject to the jurisdiction of the Board.

Name.	Operating or Legal Officer.	Ottawa Agents.
Algoma Central and Hudson Bay.....	T. J. Kennedy and Vivian Harcourt, Receivers, Sault Ste. Marie, Ontario. T. Gibson, General Counsel, Toronto, Ontario.	Chrysler & Higgerty, Central Chambers, Ottawa, Ont.
Algoma Eastern.....	T. J. Kennedy, President and General Manager, Sault Ste. Marie, Ontario. T. Gibson, General Counsel, Toronto, Ont.	Chrysler & Higgerty, Central Chambers, Ottawa, Ont.
Atlantic, Quebec and Western ....	C. R. Scoles, General Manager, New Carlisle, P.Q.	
Bay of Quinté (see Canadian Northern Ontario.)		
Boston & Maine (Massawippi Valley)...	B. R. Pollock, General Manager, Boston, Mass. Cate, Wells & White, Solicitors, Sherbrooke, P.Q.	MacCracken, Henderson, Greene & Herridge, Trust Building, Ottawa, Ont.
British Yukon (see White Pass and Yukon Route).		
Brockville, Westport and North Western (see Canadian Northern Ontario.)		
Calgary and Fernie (under construction.)	Clarke, Carson & McLeod, Solicitors, Calgary, Alberta.	Lewis & Smellie, 7 Trust Building, Ottawa, Ont.
Canadian Northern including :—		
Canadian Northern Alberta.....	M. H. MacLeod, General Manager, Winnipeg, Man.	Macdonnell & Honeywell, Castle Building, Ottawa, Ont.
Canadian Northern Manitoba.....	R. H. M. Temple, Assistant Solicitor, Toronto, Ontario.	
Duluth, Winnipeg and Pacific.....		
Edmonton and Slave Lake .....		
Edmonton, Yukon and Pacific.....		
Minnesota and Manitoba Railroad Co..		
Qu'Appelle, Long Lake and Saskatchewan Railway and Steamboat Co.		
Canadian Northern Ontario (C.N.R. System) including :—		
Bay of Quinté.....	A. J. Hills, General Superintendent, Toronto, Ont.	Macdonnell & Honeywell, Castle Building, Ottawa, Ont.
Brockville, Westport and North Western	R. H. M. Temple, Assistant Solicitor, Toronto, Ont.	
Central Ontario.....		
Irondale, Bancroft and Ottawa.....		
Marmora Railway and Mining Company		
Minnesota and Ontario Bridge Co.....		
Canadian Northern Quebec (C.N.R. System) including :—		
Quebec and Lake St. John and James Bay and Eastern. (under construction).	F. M. Spaidal, General Superintendent, Montreal, P.Q. R. H. M. Temple, Assistant Solicitor, Toronto, Ont.	Macdonnell & Honeywell, Castle Building, Ottawa, Ont.
Canadian Pacific including :—		
Alberta Central.....	E. W. Beatty, Vice Pres., and General Counsel, Montreal, P.Q.	Ewart, Scott, MacLaren & Kelley, Solicitors, 14 Metcalfe Street, Ottawa, Ont.
Alberta Railway and Irrigation Company		
Interprovincial and James Bay.....		
Kaslo and Slocan.....	A. D. MacTier, General Manager, (Eastern Lines), Montreal, P.Q.	
Kootenay Central .....		
Lake Erie and Northern.....		
Montreal and Atlantic.....		



5 GEORGE V., A. 1915

LIST of Steam Railways in operation or under construction subject to the jurisdiction of the Board—*Continued.*

Name.	Operating or Legal Officer.	Ottawa Agents.
Canadian Pacific— <i>Continued</i> :— New Brunswick Coal and Railway and others. *	Grant Hall, General Manager, (Western Lines), Winnipeg, Man.	
Central Ontario (see Canadian Northern Ontario).		
Central Railway Company of Canada (under construction).	J. D. Wells, Secretary, 103 St. Francois Xavier Street, Montreal, P.Q.	
Central Vermont including :— Montreal and Province Line. .... Montreal and Vermont Junction. .... Stanstead, Shefford and Chambly. ....	G. C. Jones, Vice President, St. Albans, Vermont. W. H. Biggar, K.C., General Counsel, Montreal, P.Q. W. C. Chisholm, K.C., General Solicitor, Montreal, P.Q.	Pringle & Guthrie, Citizen Building, Ottawa, Ont.
Cumberland Railway and Coal Co., (Dominion Coal Company).	D. H. McDougall, General Manager, Sydney, N.S.	Harold Fisher, 46 Elgin Street, Ottawa, Ont.
Dominion Atlantic (C.P.R. System). ....	P. Gifkins, General Manager, Kentville, N.S. E. W. Beatty, Vice-President and General Counsel, Montreal, P.Q.	Ewart, Scott, MacLare & Kelly, 14 Metcalfe Street, Ottawa, Ontario.
Edmonton, Dunvegan and British Columbia (under construction). Elgin and Havelock. ....	W. R. Smith, General Manager, Edmonton, Alberta. A. H. Robinson, Acting General Manager, Petittcodiac, N.B.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
Esquimalt and Nanaimo (C.P.R. System).	R. Marpole, Vice-President, Vancouver, B.C. H. E. Beasley, General Superintendent, Victoria, B.C. E. W. Beatty, Vice-President and General Counsel, Montreal, P.Q.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
Essex Terminal	Wm. Woollatt, General Manager, Walkerville, Ontario. J. H. Coburn, Secretary, Walkerville, Ontario.	
Glengarry & Stormont	C. L. Hervey, Chief Engineer, 400 St. James Street, Montreal, P.Q.	Pringle, Thompson, Burgess & Cote, Union Bank Building, Ottawa, Ontario.
Grand Trunk, including Lachine, Jacques Cartier & Maisonneuve and others.	E. J. Chamberlain, President, Montreal, P.Q. W. H. Biggar, K.C., General Counsel, Montreal, P.Q. W. C. Chisholm, K.C., General Solicitor, Montreal, P.Q.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
Grand Trunk Pacific and Grand Trunk Pacific Branch Lines.	M. Donaldson, Vice-President and General Manager, Winnipeg, Manitoba. H. H. Hansard, Solicitor, Winnipeg, Manitoba.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
Great Northern, controlling :— Bedlington & Nelson. .... Brandon, Saskatchewan & Hudson's Bay Crow's Nest Southern. .... Manitoba Great Northern. .... Midland Railway of Manitoba. .... Nelson & Fort Sheppard. .... New Westminster Southern. .... Rail Manitoba Vancouver, Victoria & Eastern Railway and Navigation Company.	L. W. Hill, President, St. Paul, Minn. J. M. Gruber, Vice-President, St. Paul, Minn. E. C. Lindley, General Solicitor, St. Paul, Minn.	Andrew Haydon, 19 Elgin Street, Ottawa, Ontario.
Halifax & South Western (C.N.R. System).	J. Bain, General Superintendent, Bridgewater, N.S. R. H. M. Temple, Assistant Solicitor, Toronto, Ontario.	Macdonnell & Honeywell, Castle Building, Ottawa, Ontario.

\* See complete list on page 556.

## SESSIONAL PAPER No. 20c

List of Steam Railways in operation or under construction subject to the jurisdiction of the Board—*Continued.*

Name.	Operating or Legal Officer.	Ottawa Agents.
Hamilton, Walterloo and Guelph . . . . .	John Patterson, General Manager. Thomas E. Hillman, Chief Engineer, Hamilton, Ontario.	Pringle & Guthrie, Citizens Building, Ottawa, Ontario.
International Bridge and Terminal Co. (see Canadian Northern).		
Interprovincial and James Bay (under construction, see Canadian Pacific).		
Irondale, Bancroft and Ottawa (see Canadian Northern Ontario).		
James Bay and Eastern (under construction, see Canadian Northern Quebec).		
Kettle Valley. . . . .	J. J. Warren, President, Pen- ticton, B.C. E. W. Beatty, Vice-President and General Counsel, Mont- real, P.Q.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
Klondike Mines. . . . .	E. A. Murphy, General Man- ager, Dawson, Y.T.	Andrew Haydon, 19 Elgin Street, Ottawa, Ontario.
Kootenay and Alberta. . . . .	H. A. Lovett, K.C., President, Transportation Building, Montreal, P.Q. S. T. Mains, Secretary, Agency Building, Edmonton, Alberta.	Belcourt, Ritchie & Chevrier, Castle Bldg., Ottawa, Ont.
Lake Erie and Northern (see Canadian Pacific).		
Maine Central including:— Hereford. . . . . Princeton Branch of Washington County	D. C. Douglass, V. P. & G. M. Portland, Maine.	MacCracken, Henderson, Greene and Herridge, Trust Building, Ottawa, Ontario.
Marmora Railway and Mining Co. (See Canadian Northern Ontario).		
Michigan Central (Canada Southern). . . . .	E. D. Bronner, General Man- ager, Detroit, Michigan. Saunders, Torrance & Kings- mill, Solicitors, Toronto, Ont- ario.	Orde & Powell, 33 Sparks St., Ottawa, Ontario.
Minnesota & Ontario Bridge Co. (See Canadian Northern Ont. Ry.).		
Minnesota & Manitoba Railroad Co. (See Canadian Northern System).		
Moncton and Buctouche. . . . .	E. G. Evans, General Manager, Moncton, N.B.	
New Brunswick Coal and Railway. (See Canadian Pacific).		
Ottawa & New York. (N.Y.C. & H.R. R. System).	S. R. Payne, General Manager, Ottawa, Ontario.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ottawa.
Père Marquette controlling:— Lake Erie and Detroit River . . . . . Erie and Huron. . . . .	F. H. Alfred, General Man- ager, Detroit, Michigan. Parker, Shields & Brown, Gen- eral Attorneys, Detroit, Michigan.	John Thompson, 22 Metcalfe Street, Ottawa, Ontario.
Pointe aux Trembles Terminal (owned by Canada Cement Co.).	Brown, Montgomery & Mc- Michael, Barristers, etc., Do- minion Express Building, Montreal, Que.	
Quebec and Lake St. John. (See Canadian Northern Quebec).		
Quebec, Montreal and Southern including: Napierville Junction.	James FitzSimons, Gen'l Man- ager, Montreal, P.Q.	Belcourt, Ritchie & Chevrier, Castle Bldg., Ottawa, Ont.
Quebec Oriental. . . . .	C. R. Scoles, General Manager, New Carlisle, P.Q.	

5 GEORGE V., A. 1915

LIST of Steam Railways in operation or under construction subject to the jurisdiction of the Board—*Concluded.*

Name	Operating or Legal Officer.	Ottawa Agents.
Rutland and Noyan (Rutland).....	G. T. Jarvis, Vice-President & General Mgr., Rutland, Vermont.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
Salisbury and Albert.....	E. M. Sherwood, Manager, Hillsboro, N.B.	
Schomberg & Aurora.....	C. L. Wilson, Asst. Manager, Toronto, Ont.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
St. Lawrence & Adirondack (N.Y.C. & H. R. R. System).	P. E. Crowley, General Manager, New York, N. Y. D. L. Summerville, Superintendent, (N.Y.C. & H.R.R.) Utica, New York.	Ewart, Scott, MacLaren & Kelley, 14 Metcalfe Street, Ottawa, Ontario.
St. Martins . . . . .	W. E. Foster, President, St. John, N.B.	
Temiscouata.....	G. G. Grundy, General Manager, Rivière du Loup, P.Q.	Orde, Powell & Lyle, 33 Sparks Street, Ottawa, Ontario.
Thousand Islands.....	E. W. Rathbun, President, Deseronto, Ontario. J. F. Chapman, Manager, Gananoque, Ontario.	Hogg & Hogg, Trust Building, Ottawa, Ontario.
Toronto, Hamilton & Buffalo (including Erie and Ontario).	E. D. Cahill, General Solicitor, Hamilton, Ontario.	Chrysler & Higgerty, Central Chambers, Ottawa, Ontario.
Victoria and Sidney and Victoria Terminal Railway and Ferry Company.	A. H. MacNeill, President, Vancouver, B.C. F. Van Sant, Superintendent, Victoria, B.C.	Andrew Haydon, 19 Elgin St., Ottawa, Ontario.
Wabash.....	H. H. Miller, V.P. & G.M., St. Louis, Missouri. H. E. Rose, K.C., Counsel & Solicitor, Toronto, Ontario.	Murphy & Fisher, Central Chambers, Ottawa, Ontario.
Western Canada Power Co.....	W. McNeill, Asst. Gen'l Mgr., Carter-Cotton Building, Vancouver, B.C.	
Western Dominion (under construction)..	O. E. Culbert, Secretary, Calgary, Alberta.	
White Pass and Yukon Route (British Yukon).	F. C. Elliott, President Vancouver, B.C., and 1919 Conway Building, Chicago.	Chrysler & Higgerty, Central Chambers, Ottawa, Ontario.



(2)

January 15, 1915.

## BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

LIST of Steam Railways in operation or under construction not subject to the jurisdiction of the Board.

Alberta Great Waterways.....	(Under construction.)
Canada Central.....	(Under construction.)
Canada and Gulf Terminal.....	
*Canadian Northern Pacific.....	(C.N.R. System, under construction.)
*Canadian Northern Saskatchewan.....	(C.N.R. System.)
*Canadian Northern Western.....	(C.N.R. System.)
Cape Breton.....	
Caraquet and Gulf Shore.....	
Eastern British Columbia.....	
Fredericton and Grand Lake Coal and Railway Co.....	(C.P.R. System.)
Ha Ha Bay.....	
Intercolonial.....	(Canadian Government lines.)
International Railway of New Brunswick.....	(Canadian Government lines.)
Inverness Railway and Coal Company.....	(C.N.R. System.)
Kent Northern.....	(Including St. Louis and Richibucto.)
Lake Huron and Northern Ontario.....	(Formerly Bruce Mines and Algoma.)
Lotbiniere and Megantic.....	
Maganetewan River.....	
Maritime Railway Coal and Power Company.....	
Morrissey, Fernie and Michel.....	
National Transcontinental.....	(Under construction.)
New Brunswick and Prince Edward Island.....	(Canadian Government lines.)
Northern New Brunswick and Seaboard.....	
North Shore.....	
Pacific Great Eastern.....	(Under construction.)
Philipsburg Railway and Quarry Co.....	
Prince Edward Island.....	(Canadian Government lines.)
Quebec Central.....	(C.P.R. System.)
Quebec and Saguenay.....	(Under construction.)
Salmon River and Northern.....	
Southampton.....	(C.P.R. System.)
St. John Valley.....	(Canadian Government lines.)
Sydney and Louisburg.....	(Dominion Coal Co.)
Temiskaming and Northern Ontario.....	(Ontario Government line.)
Vancouver Copper Co.'s Railway.....	(Lenora Mount Sicker.)
Wellington Colliery Co.....	
York and Carleton.....	

\* NOTE.—Under the Canadian Northern Railway Guarantee Act, these lines will become subject to the Board, upon proclamation by the Governor-in-Council, following their completion and opening for operation.

## (3) CANADIAN PACIFIC RAILWAY COMPANY.

Subsidiary lines comprising this system and roads amalgamated with company since inception of this Board, also controlled roads. (List subject to change):—

Alberta Central.  
 Alberta Railway and Irrigation Company.  
 Atlantic and Northwest.  
 British Columbia Southern.  
 Brockville and Ottawa.  
 Calgary and Edmonton.  
 Campbellford, Lake Ontario and Western.  
 Cap de la Madeleine.  
 Carleton City of St. John Branch Railway Company.  
 Columbia and Kootenay.  
 Columbia and Western.  
 Credit Valley.  
 Dominion Atlantic (operated as a separate road).  
 Esquimalt and Nanaimo (operated as a separate road).  
 Fort William Terminal Railway and Bridge Company.  
 Fredericton.  
 Georgian Bay and Seaboard.  
 Grand River Railway Company.  
 Great Northwest Central.  
 Guelph and Goderich.  
 Guelph Junction.  
 Hull and Aylmer (now Hull Electric).  
 Interprovincial and James Bay.  
 International.  
 Joliette and Brandon.  
 Kaslo and Slocan.  
 Kettle Valley (to be taken over upon completion).  
 Kingston and Pembroke.  
 Kootenay and Arrowhead.  
 Kootenay Central.  
 Lake Erie and Northern.  
 Lake Temiscamingue Colonization.  
 Lindsay, Bobcaygeon and Pontypool.  
 Manitoba and Northwestern.  
 Manitoba Southwestern Colonization.  
 Montreal and Atlantic (operated for owners).  
 Montreal and Ottawa.  
 Montreal and Western.  
 Nakusp and Slocan.  
 New Brunswick.  
 New Brunswick and Canada.  
 New Brunswick Coal and Railway.  
 New Brunswick Southern.  
 Nicola, Kamloops and Similkameen.  
 Northern Colonization (Chemin de fer du Colonization du Nord).  
 Ontario and Quebec.

## SESSIONAL PAPER No. 20c

Orford Mountain.

Ottawa, Northern and Western.

Quebec Central (controlled, has provincial charter and operated separately:  
not subject to Board of Railway Commissioners).

Saskatchewan and Western.

Shuswap and Okanagan.

South Ontario Pacific.

St. John and Maine.

St. Lawrence and Ottawa.

St. Mary's and Western Ontario.

St. Maurice Valley.

St. Stephen and Milltown.

Thessalon and Northern Railway Company.

Tilsonburg, Lake Erie and Pacific.

Tobique Valley.

Toronto, Grey and Bruce.

Vancouver and Lulu Island.

Walkerton and Lucknow.

West Ontario Pacific.



(4)

January 15, 1915.

## BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

## List of Electric Railways.

*Note.*—Only roads in capitals are subject to the jurisdiction of the Board.

Name.	Operating or Legal Officer.	Ottawa Agents.
ALBERTA INTERURBAN. ....	C. S. Drummond, Vice-President, Beveridge Building, 7th Ave. E., Calgary, Alta.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
Berlin and Bridgeport. Berlin and Waterloo.		
BRANTFORD AND HAMILTON (Dominion Power & Transmission Co.)	E. P. Coleman, Manager, Hamilton, Ontario.	Andrew Haydon, 19 Elgin Street, Ottawa, Ontario.
BRANTFORD STREET (See Grand Valley). British Columbia. Cape Breton.		
CHATHAM, WALLACEBURG AND LAKE ERIE.	J. G. Kerr, General Solicitor, Chatham, Ontario.	Orde, Powell & Lyle, Trust Building, Ottawa, Ontario.
Cornwall Street. Galt, Preston and Hespeler.		
GRAND VALLEY including: Woodstock, Thames Valley & Ingersoll. Note: This road is being operated in conjunction with Brantford Street Railway.	Wilkes and Henderson, City Solicitors, Brantford, Ontario.	
Guelph Radial. Guelph Rapid. Halifax Tramway. Hamilton and Dundas. Hamilton, Grimsby & Beamsville.		
HAMILTON RADIAL (Dominion Power & Transmission Co.) Hamilton Street.	E. P. Coleman, Manager, Hamilton, Ont.	Andrew Haydon, 19 Elgin St., Ottawa, Ontario.
HULL (C.P.R. Control).	G. G. Gale, Manager, Hull, P. Q.	
International.	E. H. Henning, Superintendent, 808 Ellicott Square, Buffalo, N. Y.	
International Transit Co. Kingston, Portsmouth & Catarqui. Kingston Street. Levis County.		
LONDON & LAKE ERIE RAILWAY & TRANSPORTATION CO. LONDON AND PORT STANLEY. Note: This road formerly operated by Père Marquette Railway but now owned by City of London, and operated by a Commission, Sir Adam Beck, Chairman.	W. N. Warburton, General Manager, London, Ontario.	
London Street. Metropolitan Railway (Toronto and York Radial).		
MONTREAL & SOUTHERN COUNTIES.	W. B. Powell, General Manager, Montreal, P. Q.	Pringle & Guthrie, Citizen Building, Ottawa, Ontario.
MONTREAL, PARK & ISLAND.	Patrick Dubee, Secretary, Montreal, P. Q.	
Montreal Street.		
MONTREAL TERMINAL. ....	Patrick Dubee, Secretary, Montreal, P. Q.	
Mount McKay and Kakabeka Falls. Nelson Tramway. Niagara Falls, Park and River.		

## SESSIONAL PAPER No. 20c

List of Electric Railways—*Concluded.*

Name.	Operating or Legal Officer:	Ottawa Agents.
NIAGARA, ST. CATHARINES AND TORONTO.	G. Ruel, Chief Solicitor, Toronto, Ontario.	Macdonnell & Honeywell, Castle Building, Ottawa, Ontario.
NIAGARA, WELLAND AND LAKE ERIE.	German & Morwood, Barristers, Welland, Ontario.	
NIPISSING CENTRAL (Operated by T. & N. O. Ry.)	W. H. Maund, Secretary-Treasurer, Toronto, Ontario.	Orde, Powell & Lyle, Trust Building, Ottawa, Ontario.
OSHAWA.	E. W. Rathbun, President, Deseronto, Ont.	Hogg & Hogg, Trust Building, Ottawa, Ontario.
	J. F. Chapman, Manager, Gananoque, Ontario.	
OTTAWA.	F. D. Burpee, Manager, Ottawa, Ontario.	
Peterboro Radial.		
Port Arthur and Fort William.		
Port Arthur Street.		
Port Dalhousie, St. Catharines and Thorold.		
QUEBEC RAILWAY, LIGHT AND POWER CO.	H. G. Matthews, General Manager, Quebec, P. Q.	R. V. Sinclair, Booth Building, Ottawa, Ontario.
Sandwich, Windsor and Amherstburg.		
Sarnia Street.		
Sherbrook Street.		
St. John.		
St. Stephen.		
St. Thomas Electric Street.		
Sydney and Glace Bay.		
Toronto and Mimico (Toronto and York Radial.)		
Toronto Railway Co.	R. J. Fleming, General Manager, Toronto, Ontario.	
Toronto and Scarboro Railway, Light and Power Co.		
Toronto Suburban.		
Toronto and York Radial.		
VANCOUVER, FRASER VALLEY & SOUTHERN.	A. H. MacNeill, Solicitor, Vancouver, B. C.	Pringle, Thompson, Burgess & Cote, Union Bank Building, Ottawa, Ontario.
WINDSOR, ESSEX AND LAKE SHORE RAPID	A. Eastman, General Manager, Kingsville, Ontario.	F. A. Magee, Barrister, Canada Life Building, Ottawa, Ont.
Windsor and Tecumseh.		
Winnipeg Street.		
WOODSTOCK, THAMES VALLEY AND INGERSOLL, (See Grand Valley).		
Yarmouth Street.		





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(TENTH) REPORT

OF THE

BOARD OF RAILWAY COMMISSIONERS  
FOR CANADA

FOR THE YEAR ENDING MARCH 31

1915

PRINTED BY ORDER OF PARLIAMENT,



OTTAWA

PRINTED BY J. DE L. TACHÉ,

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1916

o. 20c—1916.] Price, 30 cents.









# TENTH REPORT

- A 55

OF THE

## BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING MARCH 31

1915

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PRINTED BY J. DE L. TACHÉ.  
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1916





THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

H. L. DRAYTON, K.C., *Chief Commissioner.*

D'ARCY SCOTT, *Assistant Chief Commissioner.*

HON. W. B. NANTEL, K.C., LL.D., *Deputy Chief Commissioner.*

S. J. MCLEAN, *Commissioner.*

A. S. GOODEVE, *Commissioner.*



## CONTENTS.

	PAGE.
Accidents and accident investigations.....	11
American Coal and Coke Company v. Michigan Central Railroad Company.....	7
Applications to the board.....	10
Appeals from decisions of the board.....	9
British Columbia Central Farmers' Institutes v. Canadian Pacific Railway Company.....	9.
Canadian Lumbermen's Association and Montreal Board of Trade v. Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies.....	5
Dominion Sugar Company v. Grand Trunk, Canadian Pacific, Chatham, Wallaceburg and Lake Erie and Pere Marquette Railway Companies.....	4
Dominion Transportation Company v. Algoma Central and Hudson Bay Railway Company.....	6
Engineering Department of the board.....	10
Farmers' Dairy and Produce Company v. Canadian Pacific Railway Company..	5
Fire Inspection Department of the board.....	12
Fonthill Gravel Company, Ltd., v. Niagara, St. Catharines and Toronto and Grand Trunk Railway Companies.....	4
Formal and informal matters.....	1
Fredericton Board of Trade v. Canadian Pacific Railway Company.....	9
General Decisions and Rulings of the board.....	3
General Orders issued by the board.....	3
Judgments of the board.....	10
Mountain Lumber Manufacturers' Association v. Canadian Pacific Railway Company (Golden Toll Case).....	8
Newman v. Bell Telephone Company.....	5
Noviciat de Notre Dame des Anges v. Bell Telephone Company.....	6
Oliver-Scrim Lumber Company v. Canadian Pacific and Esquimalt and Nanaimo Railway Companies.....	8
Operating Department of the board.....	11
Orders, General Orders and Circulars.....	10
Port Hope Telephone Company, Ltd., and Bell Telephone Company of Canada--Jurisdiction of board.....	4
Public sittings of the board.....	1
Railway Grade Crossing Fund.....	2
Randall, Gee & Mitchell v. Canadian Pacific Railway Company.....	7
Routine work of the Board—Record Department—Secretary's Department..	13
Roy v. Canadian Passenger Association.....	8
St. David's Sand Company v. Grand Trunk and Michigan Central Railway Companies.....	7
St. John and Quebec Railway Company v. Canadian Pacific Railway Company.	6
Stoltze Manufacturing Company v. Canadian Pacific Railway and Western Canada Power Companies.....	8
Traffic Department of the board.....	10
Unjust discrimination—Massiah v. Canadian Pacific Railway Company.....	5
Unjust discrimination—Edmonton Clover Bar Sand Company v. Grand Trunk Pacific Railway Company.....	6



## APPENDICES.

	PAGE
Appendix "A"—List of complaints filed with the board for the year ending March 31, 1915.. . . .	14
Appendix "B"—List of applications heard at public sittings of the board for the year ending March 31, 1915.. . . .	48
Appendix "C"—Principal judgments of the board for the year ending March 31, 1915.. . . .	120
(For alphabetical index to judgments see page 459.)	
Appendix "D"—Report of the Chief Traffic Officer of the board for the year ending March 31, 1915.. . . .	348
Appendix "E"—Report of the Chief Engineer for the year ending March 31, 1915.. . . .	357
Appendix "F"—Report of the Chief Operating Officer of the Board for the year ending March 31, 1915.. . . .	374
Appendix "G"—Board's staff and salaries for year ending March 31, 1915.. . .	421
Appendix "H"—Report of the Chief Fire Inspector of the board for the year ending March 31, 1915.. . . .	425
Appendix "I"—List of books in the library for the year ending March 31, 1915..	429
Appendix "J"—List of applications subdivided under sections of the Act.. . .	438
Appendix "K"—List of cases carried to the Supreme Court.. . . .	440
Appendix "L"—List of General Orders and Circulars of the board for the year ending March 31, 1915.. . . .	443

REPORT  
OF THE  
BOARD OF RAILWAY COMMISSIONERS.  
FOR CANADA.

*To the Governor in Council:*

Pursuant to the provisions of section 62 of the Railway Act, as amended by section 12 of chapter 32, 8-9 Edward VII, the Board of Railway Commissioners for Canada has the honour to submit its Tenth Report for the year ending March 31, 1915. Since the submission of the board's last report there have been no further amendments to the Railway Act, though consolidation and further important amendments to the Act are under consideration.

PUBLIC SITTINGS OF THE BOARD.

During the year covered by the period from April 1, 1914, to March 31, 1915, the board held 86 public sittings, at which 753 applications were heard, as compared with 81 public sittings for the previous year, at which 702 applications were heard, being an increase in the number of applications heard of 51 for the year. The number of public sittings held in the various provinces were as follows:—

In the province of Ontario	53
“ “ Quebec	5
“ “ Nova Scotia	1
“ “ New Brunswick	2
“ “ Manitoba	6
“ “ Saskatchewan	6
“ “ Alberta	6
“ “ British Columbia	7

The applications heard at the various sittings of the board cover a variety of matters which fall within its jurisdiction under the Railway Act dealing with the application of a private individual to matters of general public interest affecting the community as a whole.

FORMAL AND INFORMAL MATTERS.

The number of informal matters dealt with by the board, as distinguished from matters heard at its formal sittings, constitutes a large percentage of the total applications and complaints dealt with by the board, that is to say, of a total of 4,050 applications and complaints received and dealt with by the board only 18½ per cent were set down for a formal hearing, and 81½ per cent were disposed of without the necessity of a formal hearing.

Attention may properly be again directed to the fact that these informal complaints, settled without a hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the board's officers, and cover a wide range of subjects, such as, for example, the complaint of an individual regarding an overcharge in a railway fare for a small amount, or the matter of lost baggage, to a matter of general public interest affecting the community at large, such as the question of a railway rate involving the application of a general principle.

A list of the formal complaints heard at the various sittings of the board, together with the disposal made thereof, will be found under Appendix "B," and a list of the informal matters dealt with by the board will be found under Appendix "A."

### RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of section 7, of 8-9 Edward VII, chapter 32, entitled an Act to amend the Railway Act, provision was made that the sum of \$200,000 each year, for five consecutive years from the 1st day of April, 1909, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protection safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said first day of April, the said sums to be placed to credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the board, subject to certain limitations set out in the amending Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the board issued, between the first day of April, 1909, and March 31, 1915, 311 orders providing protection as follows:—

By electric bells.....	185
" gates.....	80
" subways.....	46
" overhead bridges.....	20
" diversion of highways.....	15
" closing of streets.....	3
" removal of hill.....	1
Total number of crossings protected.....	350

It will be seen by comparing the total number of crossings protected with the Ninth Annual Report of the board that the increase for the year ending March 31, 1915, in the number of crossings protected, numbers 44 made up as follows:—

By electric bells.....	24
" gates.....	12
" subways.....	5
" overhead bridges.....	1
" diversion of highways.....	1
" closing of streets.....	1
Total increase in number of crossings protected.....	44

In connection with the granting of aid to protective works under this fund, attention is again directed to the fact that the board has found that the limitation imposed by the Act has prevented contributions being made in as large a degree as would seem to be proper in the public interest in connection with the larger schemes for elimination of grade crossings. Such works in the larger cities will run into amounts exceeding \$100,000, and occasionally as high as several million dollars, so that the limitation of \$5,000 (not to be applied to more than three crossings in any one municipality, or more than once to any one crossing), fixed by the Act, would be a mere fraction of the total amount involved.



## SESSIONAL PAPER No. 20c

## GENERAL DECISIONS AND RULINGS OF THE BOARD.

Submitted herewith are some of the more important matters dealt with by the board at its public sittings for the year ending March 31, 1915. The various judgments "in extenso" will be found under Appendix "C" to this report.

## GENERAL ORDERS ISSUED BY THE BOARD.

The following is a brief statement of some of the matters dealt with under General Orders of the Board:—

Operation by railway companies subject to the jurisdiction of the board, of draw or swing or bascule bridges over navigable waters and the question of regulations governing such operation.

Provision that all reports on fires originating within 300 feet of a railway track and burning over an area of 100 square feet or more outside the right of way, submitted by the railway companies in accordance with the requirements of the Board's Circular No. 133, be privileged and shall only be made public or given out, upon an application therefor, by order of the board.

Provision for the putting up and taking down of marker lights on cabooses on trains, all cabooses to be equipped as provided in the order, on or before November 1, 1914.

The matter of increased special and competitive freight and express tolls and suspensions thereof.

The matter of tariffs filed by certain railway companies requiring additional railway tickets for the exclusive use of drawing rooms or compartments in sleeping and parlour cars.

Provision that locomotive engines of railway companies be not allowed to leave terminals, or to be used at terminals in traffic service on which the following defects exist, namely: steam leaks, air brakes, wheel defects, springs; and further provision that railway companies are required on or before January 1, 1915, to equip their locomotives with double windows in the front of the cabs during the winter season, from November 1 to April 30; the same to be made air-tight.

The matter of the cancellation of mixing privileges in connection with carloads of groceries, dried fruit, and liquors from Eastern Canada points to points in Western Canada.

Suspension of the proposed cancellation on January 1, 1915, of the arrangements whereby mixed carloads of foreign and native liquors, and mixed carloads of groceries are carried.

Provision that railway companies making application to the board to open for traffic their line, under section 261 of the Railway Act, be required to publish and file the appropriate supplementary special class or "town" tariffs, mileage commodity tariffs, and special tariffs on grain to the Lake Superior terminals, and on lumber from British Columbia, as these may be applicable to the territories to be served by the said new lines, in addition to the standard mileage tariffs therefor.

Provision that through rates of freight on newsprint paper, in carloads of 40,000 pounds minimum weight, from the points of shipment thereof, by the all-rail route, to the Canadian points of consumption west of Fort William, be made by the addition to the 5th class published tariff rates from Port Arthur and Fort William of the special arbitraries set out in the board's order; and that these through rates be published and filed to take effect not later than April 15, 1915.

Approval of a form of "release," being a form of special contract limiting the liability of the carrier in respect of the limitation of responsibility in connection with the carriage of household goods, furniture and settlers' effects, all second hand.

6 GEORGE V, A. 1916

FONTHILL GRAVEL COMPANY, LTD., V. NIAGARA, ST. CATHARINES AND TORONTO AND GRAND TRUNK RAILWAY COMPANIES.

The complaint was that the toll of \$1 a ton on moulding sand from Fonthill to Toronto was unreasonable, and application was made that the former rate of 90 cents a ton, in force prior to July 1, 1912, be re-established.

The facts are fully set out in the judgment of Mr. Commissioner McLean, February 9, 1914.

Held, that a through toll of \$1 per ton on moulding sand from Fonthill to Toronto, a distance of 78 miles, whereof the Grand Trunk Railway Company receives 78 cents and the Niagara, St. Catharines and Toronto Railway Company 22 cents was held not unreasonable.

PORT HOPE TELEPHONE COMPANY, LTD., AND BELL TELEPHONE COMPANY OF CANADA.  
JURISDICTION OF BOARD.

The Port Hope Telephone Company applied for a ruling that the applicant company is not a competitive company in competition with the Bell Company, and for an order directing a connection of the lines of the two companies for the interchange of business at Bowmanville.

Held, that the provisions of the Railway Act, 7-8 Edward VII, chapter 61, defining the jurisdiction of the board in regard to telephones, are applicable only in so far as companies are concerned to companies within the legislative authority of the Parliament of Canada. A telephone company not within such legislative authority cannot invoke the power of the board on an allegation of discriminatory treatment on the part of a company subject to the board's jurisdiction.

That the words "competing" and "non-competing," as describing telephone companies, are not words of legal precision. They have been brought before the board as the result of the business practice of the Bell Company for the purpose of distinguishing between companies with which it (the Bell) has made agreements and those with which it has not made agreements. The discretion of the company in this respect is not limited by statute.

The board has power, under subsections 5 and 6 of section 4 of 7-8 Edward VII, chapter 61, to order a company, subject to its jurisdiction, to afford to another company, whether subject or not, the use of its long distance system, upon such terms as to compensation as the board deems just and expedient.

Jurisdiction of board is to make an order on terms, not a declaratory order as to status.

For reasons for judgment see judgment Mr. Commissioner McLean, March 30, 1914, page 133 of judgments, orders and regulations of board.

DOMINION SUGAR CO. V. GRAND TRUNK, CANADIAN PACIFIC, CHATHAM, WALLACEBURG AND LAKE ERIE AND PERE MARQUETTE RAILWAY COMPANY.

A carrier by rail may be justified in reducing tolls from one point to another to meet effective water competition between those points, notwithstanding that the lowered toll appears discriminatory as against a third point, which is not affected by such competition, and which is, therefore, subject to higher tolls, but a continuance of the competitive toll, after the water competition ceases or is suspended (e.g., in winter), constitutes unjust discrimination against such third point.

Dominion Sugar Co. v. Grand Trunk, Canadian Pacific, Chatham, Wallaceburg and Lake Erie and Pere Marquette Railway Companies, 17 Can. Ry. Cas. 231, reheard and reversed.

## SESSIONAL PAPER No. 20c

Montreal Board of Trade *v.* Grand Trunk and Canadian Pacific Railway Companies, 14 Can. Ry. Cas. 351; Blind River Board of Trade *v.* Grand Trunk, Canadian Pacific Railway, Northern Navigation and Dominion Transportation Companies, 15 Can. Ry. Cas. 146, followed.

The facts are fully set out in the judgment of Chief Commissioner Drayton, April 30, 1914, 17 Can. Ry. Cas. 240.

CANADIAN LUMBERMEN'S ASSOCIATION AND MONTREAL BOARD OF TRADE *V.* GRAND TRUNK, CANADIAN PACIFIC, AND CANADIAN NORTHERN RAILWAY COMPANIES.

The board has on many occasions decided that the extent to which carriers may meet water competition, as long as there is no unjust discrimination, is within their own discretion.

Application to direct the said railway companies to re-establish the tolls on lumber for export and domestic use to Montreal of last year, which had been raised one-half a cent and one cent per 100 pounds.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, of May 9, 1914, 17 Can. Ry. Cas., p. 102.

FARMERS' DAIRY AND PRODUCE CO. *V.* CANADIAN PACIFIC RAILWAY COMPANY.

The board ordered an express company to establish a commodity toll for carriage of milk by express for delivery to a connecting express company in the United States, and in so doing overruled the railway company's objection that it did not want the business unless at its full tariff tolls, but suspended operation of the order pending proof that a toll had been agreed upon with the foreign connecting carrier which would permit the carriage of the commodity to its destination in the foreign country.

The Farmers' Dairy and Produce Company of St. John, N.B., applied for an order directing a special rate on milk to Boston.

The facts are fully set out in the judgment of Chief Commissioner Drayton, May 22, 1914, 17 Can. Ry. Cas., 106.

UNJUST DISCRIMINATION, MASSIAH *V.* CANADIAN PACIFIC RY. CO.

Within the limits of the standard passenger tolls per mile, railway companies have discretion to vary the toll under certain conditions. That discretion may be exercised by the granting of commutation tolls to one point and not to another; such difference in the treatment of different places is not necessarily unjust discrimination, and in the absence of affirmative evidence of actual discrimination, resulting in the positive detriment to a place to which such tolls are refused, the board will not interfere.

Complaint of Mrs. Kate S. Massiah, of Lachute, Que., regarding discrimination shown by the Canadian Pacific Railway Company in issuing commutation tickets the year round to Ste. Agathe, Vaudreuil, Hudson, and other places, while none are issued between Lachute and Montreal, Que.

The facts are set out in the judgment of Mr. Commissioner McLean, May 22, 1914, 17 Can. Ry. Cas. 88.

NEWMAN *V.* BELL TELEPHONE CO.

A telephone in the residence of a market gardener and fruit raiser, who has no office telephone, is properly charged the business toll irrespective of the amount of user.

Bayly *v.* Bell Telephone Co., 11 Can. Ry. Cas. 190, followed.

Where it had been the custom to allow party line subscribers, so situated that they must pay excess mileage tolls, a reduction of one-fifth on the base toll, a discontinuance



of this reduction is not justified on the ground that a change of tolls in the primary toll area ordered by the board rendered obsolete party line service within that area. An order of the board extending the primary toll area is not sufficient justification for an increase in mileage tolls to subscribers situated beyond that area.

*City of Montreal v. Bell Telephone Co. (Montreal Telephone Toll Case)*, 15 Can. Ry. Cas. 118, followed.

Application of a party line subscriber to direct the respondent to cease charging him a business toll, increasing it for excess mileage, and substituting individual line in place of party line tolls in the primary area.

The facts are fully set out in the judgment of Mr. Commissioner McLean, July 17, 1914, 17 Can. Ry. Cas. 271.

#### NOVICIAT DE NOTRE DAME DES ANGES V. BELL TELEPHONE CO.

A telephone in the house of a religious community is properly charged the business toll.

*Newman v. Bell Telephone Co.*, 17 Can. Ry. Cas. 271, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, July 17, 1914, 17 Can. Ry. Cas. 277.

#### UNJUST DISCRIMINATION—EDMONTON, CLOVER BAR SAND CO. V. GRAND TRUNK PACIFIC RAILWAY COMPANY.

A toll obtaining on one railway cannot be claimed to be unjustly discriminatory simply because a toll on another which is put into effect for competitive reasons, is lower, it being within the discretion of a carrier whether it shall meet competition or not.

Application to direct the railway company to equalize its tolls with those of another carrier serving its competitor on the ground of unjust discrimination.

The facts are fully set out in the judgment of Chief Commissioner Drayton, July 18, 1914, 17 Can. Ry. Cas. 95.

#### ST. JOHN AND QUEBEC RAILWAY V. CANADIAN PACIFIC RAILWAY CO.

Under section 176 the board, as a question of law, has no jurisdiction to authorize a provincial railway company to take and use the lands and tracks of a Dominion railway company, although under 1 and 2 Geo. V, chapter 22, section 5 (3), amending section 228, the board can make supplemental orders for the safe and proper transfer of engines and equipment of the provincial railway company by the Dominion railway company by means of a physical connection.

(*Preston and Berlin Street Ry. Co. v. Grand Trunk Ry. Co.*, 6 Can. Ry. Cas. 142; *St. John and Quebec Ry. Co. v. Canadian Pacific Ry. Co.*, 14 Can. Ry. Cas. 360, followed.)

Application for authority to take and use the lands and tracks of the respondent and order it to make a physical connection with the applicant.

The facts are fully set out in the judgment of Chief Commissioner Drayton, July 18, 1914, 17 Can. Ry. Cas. 334.

#### DOMINION TRANSPORTATION CO. V. ALGOMA CENTRAL AND HUDSON BAY RAILWAY CO.

The board, under sections 2 (21), 284, 317, has jurisdiction to direct the respondent to maintain its dock at Michipicoten harbour and provide facilities thereat for receiving, loading, carrying, unloading, and delivering traffic of the applicant in competition with traffic of the respondent.

## SESSIONAL PAPER No. 20c

Canadian Northern Ry. Co. *v.* Robinson & Son, 37 S.C.R. 541, 6 Can. Ry. Cas. 101, followed.

Application to direct the respondent to maintain its dock at Michipicoten Harbour so as to afford accommodation and facilities for the traffic of the applicant.

The facts are fully set out in the judgment of Chief Commissioner Drayton, July 31, 1914, 17 Can. Ry. Cas. 422.

SAINT DAVID'S SAND CO. *v.* GRAND TRUNK AND MICHIGAN CENTRAL RAILWAY COMPANIES.

The board, following the General Interswitching order, approved a joint toll of 50 cents per ton on sand over a distance of 12.3 miles (3 miles over M.C.R.R. and 9.3 miles over G.T.R.) from the sand pit to Merritton, subject to a minimum weight of 60,000 pounds.

(Doolittle and Wilcox *v.* Grand Trunk and Canadian Pacific Ry. Cos. (Stone Quarry Toll Case), 8 Can. Ry. Cas. 10, at p. 13; Continental, Prairie and Winnipeg Oil Cos. *v.* Canadian Pacific Ry. Co., 13 Can. Ry. Cas. 156, at p. 159; Canadian Manufacturers' Association *v.* Canadian Freight Association (General Interswitching Order), 7 Can. Ry. Cas. 302, followed.)

While it is justifiable to base differences in a toll on quantity as between C.L. and L.C.L. traffic movement, it is not justifiable to make a difference in a toll based on the distinction between carload and trainload movements.

Application for a joint toll of 40 cents per ton on trainload traffic moved from the applicants' pit to the Welland Ship Canal via Michigan Central and Grand Trunk Railways.

The facts are fully set out in the judgment of Mr. Commissioner McLean, October 23, 1914, 17 Can. Ry. Cas. 279.

RANDALL, GEE AND MITCHELL *v.* CANADIAN PACIFIC RAILWAY COMPANY.

The carriage of traffic (other than for construction purposes) before the railway has been authorized to be opened therefor, under section 261, is illegal, and no legal toll or tariff applies to such traffic.

Refunds apply where the railway company, performing a legal service, charges a greater toll than allowed by appropriate tariff on file with the board.

Baker, Reynolds & Co. *v.* Canadian Pacific Railway Co., 10 Can. Ry. Cas. 151, followed.

Application to direct a refund to be made of the difference between construction tariff tolls, and through grain tolls from Torquay and Outram respectively, to Fort William.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 19, 1914, 17 Can. Ry. Cas. 252.

AMERICAN COAL AND COKE CO. *v.* MICHIGAN CENTRAL RAILROAD COMPANY.

Contracts made in the United States for the carriage of carload traffic passing from one point to another in the United States through Canadian territory are under the control of the Interstate Commerce Commission, and the board (having regard to international comity) will not make an order as to demurrage charged for delay of such traffic in Canada, when no Canadian interest is involved, where the effect of such order would be to nullify the previous order of the Interstate Commerce Commission on the same subject matter.

Application to direct the railroad company to desist from holding cars in its freight terminals at Windsor, Ont., until switching orders for their delivery in Detroit, Mich., are received, and for a refund of the demurrage tolls charged during such detention.

The facts are fully set out in the *A. C. and C. v. M.C.R.R.*  
 Judgment of Chief Commissioner Drayton, December 4, 1914, 17 Can. Ry. Cas.  
 256.

ROY V. CANADIAN PASSENGER ASSOCIATION.

Application for special tolls for farmers desiring to attend agricultural conventions, conferences, and exhibitions.

Held, that under sections 77, 315 and 341, the board has no jurisdiction to compel a railway company to issue reduced tolls to farmers attending agricultural conventions, or to any other class of the community. It is entirely within the discretion of the carriers whether they will do so or not, and for the board to do so would be unjust discrimination against other classes of the community.

Canadian Fraternal Association v. Canadian Passenger Association, 13 Can. Ry. Cas., 178, followed.

Judgment, Chief Commissioner Drayton, January 5, 1915, 17 Can. Ry. Cas. 320.

STOLTZE MANUFACTURING CO. V. CANADIAN PACIFIC RAILWAY AND WESTERN CANADA POWER COMPANIES.

Application to direct the respondents to grant the construction toll on lumber used for construction purposes by the Canadian Pacific Railway Company.

Held, that the board has no jurisdiction to deal with questions of contract between shippers and purchasers, and therefore the parties are not bound by any finding of the board, except with regard to tolls.

When two connecting carriers are separate legal entities, and the former operates and tariffs the latter as a separate property, the latter is under no obligation to put a construction toll of the former into effect on its line, but the shipper is entitled, on a through bill of lading, to the benefit of the through toll to the point of delivery.

See Wylie Milling Co. v. Canadian Pacific and Kingston and Pembroke Railway Companies, 14 Can. Ry. Cas. 5.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, January 16, 1915, 17 Can. Ry. Cas. 324.

STOLTZE MANUFACTURING CO. V. CANADIAN PACIFIC RAILWAY AND WESTERN CANADA POWER COMPANIES.

Application for joint tolls on shingles transported over the railways of the respondents.

The board refused to reduce the tolls on the respondent power company's line, on account of its extraordinary operating conditions, but made a reduction in the respondent railway company's toll by following the practice in Eastern Canada, where connecting carriers having no joint tolls each takes one cent from its local toll, subject to a minimum net toll.

Fullerton Lumber & Shingle Co. v. Canadian Pacific Railway Company, distinguished.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, January 18, 1915, 17 Can. Ry. Cas., 282.

MOUNTAIN LUMBER MANUFACTURERS' ASSOCIATION V. CANADIAN PACIFIC RAILWAY COMPANY (GOLDEN TOLL CASE).

Application to direct the respondent to give Golden, on the main line of the Canadian Pacific Railway, the same tolls to all prairie destinations as now apply from Fernie on the Crowsnest branch, where the mileages are equal.



## SESSIONAL PAPER No. 20c

Held, that the tolls on lumber from Golden, on the main line of the Canadian Pacific railway, to prairie destinations, should be put on a parity with the tolls from corresponding points on the Crowsnest branch to the same destination via the same common point.

The facts are fully set out in the judgment of Chief Commissioner Drayton, February 9, 1915, 17 Can. Ry. Cas., 285.

## BRITISH COLUMBIA CENTRAL FARMERS' INSTITUTES V. CANADIAN PACIFIC RAILWAY COMPANY.

Application for the privilege of shipping mixed carload lots of flour and feed, sacked and baled hay and straw, at carload tolls.

Held, that the provision in the railway company's tariffs west of lake Superior, that different commodities may be consolidated into carload lots at carload tolls, but when these commodities in such mixture take different ratings if shipped separately in straight carload lots, the entire mixed lot is charged the highest carload tolls and the highest minimum weight; (rule 2 (c)) follows the practically universal rule in freight classification and will not be disturbed by the board.

Judgment of Chief Commissioner Drayton, January 7, 1915, 17 Can. Ry. Cas., 431.

## FREDERICTON BOARD OF TRADE V. CANADIAN PACIFIC RAILWAY COMPANY.

Application to direct the Canadian Pacific Railway Company to remedy arbitrary and unjustly discriminatory tolls on passenger traffic to and from Fredericton, N.B.

Held, that it is unjust discrimination for the respondent from considerations of traffic policy, to extend the advantage of the competitive toll to points where competition does not exist.

The facts are fully set out in the judgment of Mr. Commissioner McLean, July 18, 1914, 17 Can. Ry. Cas. 433.

Upon the application by the railway company for a rehearing, held, that under section 315, unjust discrimination does not exist where there is actual competition at the initial and terminal points reached by railway lines, and the potential choice of a passenger at an intermediate point whereby he may elect to buy a through ticket for the whole distance between the initial and terminal points, cheaper than one on a mileage basis from such intermediate point to the terminal point, spreads the effect of competitions over the whole journey.

The general scope of section 315 makes it clear that the board is empowered to recognize the existence of competition and its effects, therefore, when it is satisfied that such competition exists, it may allow a lower toll on the section of railway where the dissimilar circumstances and conditions created by such competitions exist.

Malkin & Sons v. Grand Trunk Railway Co. (Tan Bark Case) 8 Can. Ry. Cas. 183, at pp. 186, 187; Almonte Knitting Co. v. Canadian Pacific and Michigan Central Railway Cos. (Almonte Knitting Co. Case), 3 Can. Ry. Cas. 441, followed.

Judgment, Mr. Commissioner McLean, January 7, 1915, 17 Can. Ry. Cas., 439.

## APPEALS FROM DECISIONS OF THE BOARD.

For the year ending March 31, 1915, there were no appeals made to the Governor in Council from the decisions of the board. With regard to appeals to the Supreme Court of Canada during the same period, there were two appeals, the first being an appeal by the Grand Trunk Pacific Railway Company from the board's Order No. 19347, dated the 14th day of May, 1913, in respect of the company's station site at Prince George, B.C. This appeal was dismissed. The second appeal was that of the

Toronto Railway Company against the order of the board No. 22855, dated the 12th day of November, 1914, on certain questions of law involved. This appeal is still pending before the Supreme Court.

A list of the appeals from the board's decisions to the Supreme Court since its inception to date will be found under Appendix "K" to this report.

#### ORDERS, GENERAL ORDERS AND CIRCULARS.

The total number of orders issued for the year ending March 31, 1915, was 1,897. The number of general circulars issued by the board, directed to all railway companies subject to its jurisdiction for the year was nine. The general orders as distinguished from other orders issued by the board are those affecting all railway companies subject to the board's jurisdiction. A list of the general orders and circulars for the year ending March 31, 1915, will be found compiled under Appendix "L" to this report.

#### JUDGMENTS OF THE BOARD.

The principal judgments of the board delivered between the 1st of April, 1914, and the 31st of March, 1915, will be found under Appendix "C."

#### APPLICATIONS TO THE BOARD.

The total number of applications, including informal complaints made to the board, for the year ending March 31, 1915, was 4,050 (which shows a decrease from the preceding year of 1,516). Under Appendix "J" will be found a table classifying the applications and complaints made to the board under the various sections of the Railway Act. A detailed statement of these complaints, disposed of without a formal hearing, will be found under Appendix "A" to this report.

#### TRAFFIC DEPARTMENT OF THE BOARD.

In the traffic department of the board the number of tariffs received and filed for the year ending March 31, 1915, were as follows:—

Freight tariffs including supplements.. . . . .	70,738
Passenger tariffs including supplements.. . . . .	14,637
Express tariffs including supplements.. . . . .	3,664
Telephone tariffs including supplements.. . . . .	2,858
Sleeping and parlour car tariffs including supplements.. . . . .	97
Telegraph tariffs and supplements.. . . . .	23

This makes a total of 92,017 for the year, as compared with a previous total for the year ending March 31, 1914, of 94,086, being a decrease of 2,069 tariffs. It will be noted that the decrease occurs in the Express Tariffs and Supplements, which for the year ending March 31, 1914, were 9,517 as against 3,664 for the year ending March 31, 1915. The total number of tariffs filed from February 1, 1904, to March 31, 1915, was 581,092.

The details in regard to the tariffs will be found under Appendix "D" of this report.

#### ENGINEERING DEPARTMENT OF THE BOARD.

In the engineering department of the board a large number of inspections were made covering the whole Dominion. These inspections for the year ending March 31, 1915, number 390 and cover inspections for the opening of a railway for the carriage of traffic, as required under section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways and general inspections falling within the general scope of the work of the engineering department of the board.

For details of the various inspections made see Appendix "E."

## SESSIONAL PAPER No. 20c

## OPERATING DEPARTMENT OF THE BOARD.

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies. Under Appendix "F" will be found a full and detailed report of the chief operating officer of the department.

## ACCIDENTS AND ACCIDENT INVESTIGATIONS.

It will be noted that the comparative statement of killed and injured shows a marked decrease in the number of accidents among the passengers carried, railway employees, as well as others, as compared with the previous year 1913-14, but there still remains room for considerable improvement in this respect.

Among the casualties as represented by the figures given are a large number of accidents which occurred on highway crossings that are already protected either by gates or automatic bells, and in many instances the public disregard is evidenced in respect of the protective appliances supplied by persons crawling under the gates or walking around them, or endeavouring to cross the tracks in disregard of the alarm given by automatic signal bells. This appears to be peculiarly the case with drivers of automobiles who apparently depend upon the speed of the automobile to carry them across the tracks in front of a train, rather than wait a few moments to allow it to pass. It is suggested that automobile drivers shut off their machines when approaching level crossings of steam railways so that the alarm given by an automatic bell, or by an approaching train, might be more effectively heard. It is also highly desirable that the efforts and co-operation of railway employees and railway officials to reduce and eliminate accidents of all kinds be not in any measure relaxed, but on the contrary increased wherever possible.

The following is a table giving comparisons between the total number of passengers carried by the railway companies, the number of passengers killed and injured, and the same information as to employees, and as to trespassers, showing the number of trespassers killed and the relative percentage thereof to the total number of persons killed for the year. The figures giving the total number of passengers and employees carried are for the year ending June 30, 1914, the last figures available.

*Passengers—*

Number of passengers carried on railways.. . . .	46,702,280
Number of passengers killed.. . . .	8
Number of passengers injured.. . . .	239

*Employees—*

Number of employees with railways.. . . .	159,142
Number of employees killed.. . . .	99
Number of employees injured.. . . .	873

*Trespassers—*

Number of trespassers killed.. . . .	170
Per cent of trespassers killed to total of 337.. . . .	50

It will be noted that of what may be termed preventable loss, 170 killed under the heading of trespassers is a very large percentage of the total killed, and, as already stated in previous report, the board has through the attorney generals of the various provinces, taken up the question of prosecuting trespassers on railway property with a view to limiting the large number of fatalities which occur in this way; and, while the total number of trespassers killed for the year ending March 31, 1915, is considerably reduced from that of the previous year, there is still room for very considerable improvement in this respect.



6 GEORGE V, A. 1916

The following table shows the totals by provinces as regards trespassers killed and injured for the year ending March 31, 1915:—

Provinces.	Killed.	Injured.
Ontario.. . . .	90	65
Quebec.. . . .	37	20
Manitoba.. . . .	12	9
Saskatchewan.. . . .	7	7
Alberta.. . . .	8	8
British Columbia.. . . .	16	12
Nova Scotia.. . . .	nil	nil
New Brunswick.. . . .	nil	1
Yukon.. . . .	nil	nil
Total.. . . .	170	126

## FIRE INSPECTION DEPARTMENT OF THE BOARD.

The work of the fire inspection department continues to show steady growth, and co-operation with the various Dominion and provincial fire-protective organizations has been extended. During the past year 71 employees of such organizations were under appointment as officers of this department.

In connection with the condition of the railway companies' rights of way it is noted that a steady improvement has taken place and the fire hazard has been much reduced thereby. Attention has also been given by the companies to the fire hazard immediately adjacent to the companies' rights of way by piling and burning the debris on a narrow strip outside the right of way on both sides of the track. It might be noted here that in this work the respective Dominion and provincial governments or private owners are responsible, and vigorous action is needed on the part of such agencies in this connection.

Railway companies operating through forest sections have been required to maintain special fire patrols in order to prevent fires along their right of way. Supplementing this action special instructions relative to the reporting and extinguishing of fires have been issued by the various railway companies to all their employees, and it is gratifying to note that excellent results have been obtained.

During the season of 1914 a total of 12,799 miles of fire guards were constructed by the Canadian Pacific, Canadian Northern, Grand Trunk Pacific and Great Northern railways, under the requirements prescribed by the chief fire inspector. These requirements were practically the same as those prescribed in 1913.

It may be noted that oil as a locomotive fuel is in exclusive use on a total of 726 miles of railway lines in British Columbia, and it is anticipated that this will be doubled during the ensuing year by the installation of oil fuel on the Grand Trunk Pacific railway between Prince Rupert, B.C., and Jasper, Alta., a distance of 718 miles. There have been no instances of fire caused by oil burning in Canada.

A condition of unusually severe drought obtained during the spring and summer season of 1914, which resulted in a fire loss throughout the country that has been the greatest since 1910, despite the effort of greatly improved fire-protective organizations.

A total of 1,346 fires are reported as having started within 300 feet of the railway track, throughout the Dominion, during the fire season of 1914. These fires burned over a total area of 191,770 acres, of which 49,326 acres, or 25.72 per cent was young forest growth and 107,496, or 56.05 per cent, merchantable timber, the balance of the area burned over being grass or cultivated land and slashing or old burn not restocking. The total value of property destroyed by the above fires was \$433,442, of which \$202,987 was for merchantable timber and \$59,624 was the estimated value of young forest growth destroyed. Of the above 1,346 fires, 904 or 67.16 per cent were reported as having been caused by railway agencies. One hundred and thirty-seven fires are reported as due to tramps, camp fires, etc., 62 fires as due to settlers clearing land and 16 to other known causes. There were 227 fires reported as of unknown origin.

## ROUTINE WORK OF THE BOARD.

## RECORD DEPARTMENT.

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department, with the exception of that caused by the death of Mr. C. S. Huband, acting record officer of the board, who died after a lengthy illness on November 25, 1914. The board has not deemed it necessary under existing circumstances to fill the vacancy caused by Mr. Huband's death.

Below is given a table setting forth the number of applications, filings and letters received during the year ending March 31, 1915, together with the number of orders issued.

Number of applications made.. . . .	4,050
Number of filings received during the year.. . . .	43,966
Number of outgoing letters during year.. . . .	39,302
Number of orders issued during the year.. . . .	1,897

Under Appendix "A" will be found the list of informal complaints made during the year, and under Appendix "J" will be found table showing the applications, complaints, etc., classified under the various sections of the Railway Act as compiled by Mr. F. R. Demers, clerk in charge of the statistical branch of the record room.

Under Appendix "K" will be found the list of cases appealed to the Supreme Court and to the Governor in Council since the 1st of February, 1904.

## SECRETARY'S DEPARTMENT.

Since the publication of the last Annual Report of the Board, Mr. R. Richardson was, by Order in Council dated November 7, 1914, appointed Assistant Secretary to the Board, being transferred from the office of the Chief Commissioner. Mr. Richardson was first appointed to the staff of the Board by Order in Council dated April 5, 1905, as Private Secretary to the then Chief Commissioner, and shortly after that date he was appointed by the Board as Acting Secretary outside of Ottawa, covering not only the Maritime and Eastern Provinces but also the Province of Manitoba and the western provinces. It is to be noted that during the ten years that have elapsed since Mr. Richardson's first appointment he has discharged his duties as Acting Secretary in a manner highly satisfactory to the Board.

The vacancy created in the Chief Commissioner's office by the transfer of Mr. Richardson to the Secretary's Department, has been filled by the transfer and appointment of Mr. C. M. B. Chapman from the Traffic Department to the position of Private Secretary to the Chief Commissioner.

## APPENDIX "A."

## LIST OF COMPLAINTS FILED WITH THE BOARD OF RAILWAY COMMISSIONERS, YEAR ENDING MARCH 31, 1915.

4798. The Grand Trunk Railway Company making a charge of twelve dollars per year against a telephone company for the privilege of installing a telephone in the Grand Trunk Railway Company's station at Newton, Ont.

4799. Alleged excessive freight rates charged by the Canadian Pacific Railway Company on shipments of sand and gravel from St. Gabriel de Brandon, P.Q.

4800. Lack of proper cattleguards on the Canadian Pacific Railway Company's right of way in the vicinity of Churchbridge, Sask.

4801. Unsatisfactory drainage facilities on the Toronto, Hamilton and Buffalo Railway at Hamilton, Ont.

4802. The Canadian Northern Railway Company assessing an annual rental for use of steel on siding constructed by the complainants in the parish of St. Alexis, P.Q.

4803. Difficulty experienced by complainant in collecting payments from the Canadian Northern Railway Company in connection with a townsite agreement at Cardale, Man.

4804. Unsatisfactory train connections at Orillia, Ont., by the Grand Trunk Railway Company's trains.

4805. Refusal of the Grand Trunk Railway Company to pay damages to complainant for inconvenience caused by the moving of his farm road near Trenton, Ont.

4806. Lack of proper cattle guards on the Canadian Northern Railway Company's right of way in the vicinity of Giroux, Man.

4807. Alleged overcharge on a shipment of live stock handled by the Canadian Pacific Railway Company between Broomhill, Man. and Coleville, Sask.

4808. The Canadian Pacific Railway Company charging a higher rate for handling stone between St. Marys and Berlin, Ont., than the Grand Trunk Railway Company charge for handling this same commodity over their line.

4809. Refusal of contractors on the Grand Trunk Pacific Railway to pay complainant for services performed in the construction of the line.

4810. Refusal of the Grand Trunk Railway Company to settle with complainant for wheat lost in transit due to leakage from cars between Goderich, Ont., and Ingersoll, Ont.

4811. Refusal of the Canadian Pacific Railway Company to furnish a rebate on unused portion of ticket covering passage between Herbert, Sask., and New York, N.Y., which was only used to Montreal, Que.

4812. Delay in transit to shipment of furs from Sturgeon Falls, Ont., to Corry, Penn., via Dominion Express and Wells Fargo Express Companies.

4813. Delay of the Dominion Express Company and the Wells Fargo Express Company in handling a shipment of furs from St. Catharines, Ont., to Corry, Penn.

4814. The Canadian Northern Railway Company raising switching rates at Trenton, Ont., covering shipments of canned apples to Grand Trunk Railway Company's lines.

4815. Refusal of the Canadian Northern Railway Company to grant remuneration to complainant for deterioration in value of his land on account of their lines being constructed through same in the vicinity of Excel, Alta.



## SESSIONAL PAPER No. 20c

4816. Alleged discrimination shown by the Canadian Pacific Railway Company in connection with freight rates on line from Owen Sound to Sault Ste. Marie, Ont.; also against the 40,000 pound minimum carload weight.

4817. Joint rates on shipments of lumber and lath charged by the Intercolonial Railway to points on the Canadian Pacific Railway as compared with rates on the same commodity to points on the Grand Trunk Railway.

4818. Unsatisfactory treatment received at the hands of the Canadian Northern Railway Company in connection with the construction of a gravel pit siding across property of complainant in the vicinity of Billings Bridge, Ont.

4819. The Canadian Pacific Railway Company's delay in settling for land expropriated from settlers for right of way purposes in the vicinity of Monitor, Alta.

4820. Alleged excessive storage charges assessed by the Canadian Pacific Railway Company on a piano stored at Moosejaw, Sask.

4821. The railway companies discontinuing summer freight rates between Montreal and Ottawa, Ont., and various other points.

4822. Unsatisfactory station accommodation provided by the Canadian Northern Railway at Alsask, Sask.

4823. Alleged discrimination shown by the British Columbia Electric Railway Company against the District of Collingwood, B.C., in the matter of passenger fares.

4824. Alleged excessive passenger fares charged on the Montreal and Southern Counties Railway between Longueuil and St. Lambert and between Chambly and St. Lambert, P.Q.

4825. Refusal of the Grand Trunk Railway Company to operate on complainant's siding at St. Marys, Ont., until settlement is made of an account for repairs to said siding which were made previous to the time siding agreement was made between the railway company and complainant.

4826. The Canadian Northern Railway Company removing dirt for filling purpose from land of complainant and refusing to pay for same; also unsatisfactory condition of a fence along the right of way of the Canadian Northern Railway Company's Humboldt to Calgary branch.

4827. Delay of the Canadian Pacific Railway Company in making settlement of claims for lost merchandise and the late delivery of goods.

4828. The Canadian Pacific Railway Company charging a ten cent fare between Lumsdens Mills and Timiskaming, P.Q.

4829. Refusal of the Canadian Northern Railway Company to furnish complainant with an extra farm crossing in lot 40, concession 9, township of Ross, Ont., and to furnish him with cattle guards at his crossing.

4830. Delay of the Dominion Express Company in handling a shipment of furs from Port Dover, Ont., to Corry, Penn.

4831. Delay of the Canadian Pacific Railway Company in making settlement for land taken on their Weyburn-Lethbridge branch in section 21, township 6, range 22, west of the third meridian.

4832. Alleged excessive freight rates charged on shipments of artistic and fancy building brick shipped from points in Pennsylvania and Ohio to Montreal, P.Q.

4833. Refusal of the Bell Telephone Company to give long distance service connections with an independent telephone company at Riverfield, P.Q.

4834. Unsatisfactory minimum weight of carload shipments of pulpwood required in the Bangor and Aroostook Railroad tariff No. C.R.C. 125, I.C.C. 1040.

4835. Alleged excessive freight charges on a car of lumber shipped from Vancouver, B.C., to Benton, Alta., on the Canadian Pacific Railway.

4836. Unsatisfactory condition of fences and cattle guards on the Canadian Pacific Railway for several miles on both sides of the Columbia river, B.C.

4837. Alleged unjustifiable advance in cartage charges on caskets in the city of Winnipeg, Man.

1838. Alleged overcharge assessed by the Canadian Northern Railway Company on the shipment of a separator from Oak River to McGee, Sask.

1839. Loss of dishes in transit over the Canadian Pacific Railway between Armstrong, B.C., to Hamilton, Ont.

1840. The Hydro-Electric Power Commission erecting a high power transmission line over the tracks of the Lake Erie and Northern Railway between Brantford, Ont., and Paris, Ont., and their refusal to remove a pole which interferes with the railway company's grading and drainage.

1841. Unsatisfactory Canadian freight classification on mahogany.

1842. Unsatisfactory valuation given by the Canadian Pacific Railway Company's valuers on stock and grain damages in the vicinity of Bridesville, B.C.

1843. Alleged excessive charges assessed by the Canadian Northern Railway Company for the carriage of cattle in less than carload lots.

1844. Alleged unfair treatment received at the hands of the Canadian Pacific Railway Company in connection with horses and cattle killed on their right of way in the vicinity of Lower Nicola, B.C.

1845. Lack of cattle guards at railway crossing on the Canadian Northern Railway, in the vicinity of Manville, Alta., in winter.

1846. Alleged excessive charges of the Bell Telephone Company for the insertion of extra names in their telephone directory in the city of Montreal, P.Q.

1847. Refusal of the Esquimalt and Nanaimo Railway Company to install cattle guards at farm crossing one mile north of Tyee Siding, B.C.

1848. Excessive charges of express companies for carrying deceased persons in caskets.

1849. Unsatisfactory routing given to a parcel of furs shipped via the American Express Company from Shedden, Ont., to Corry, Penn.

1850. Refusal of the Canadian Express Company to reimburse complainant for goods broken or damaged in transit from Brantford, Ont.

1851. Unsafe condition of fencing on the Central Ontario Railway, about half a mile above Glen Ross, Ont.,

1852. Refusal of the Canadian Northern Railway Company to make any settlement of claims for stock killed by trains on their right of way in the vicinity of Prince Albert, Sask.

1853. Freight rates charged on caustic soda and bleaching powders in carload lots on Canadian railways.

1854. Unsatisfactory condition of culvert on the Esquimalt and Nanaimo Railway, on the property of complainant near Cowichan, B.C.

1855. Alleged discrimination shown by the Canadian Pacific Railway Company with regard to freight rates on grain and mill feeds imported into the Cowichan district, B.C.

1856. Refusal of the Canadian Pacific Railway Company to settle claim for case of eggs lost in transit between Cowichan, B.C., and Sechelt, B.C.

1857. Embargo enforced by the Galt, Preston and Hespeler Railway Company in conjunction with the Canadian Pacific Railway Company on cars of freight over the Grand Trunk Railway consigned to team tracks on the Galt, Preston and Hespeler Railway.

1858. Refusal of the Canadian Pacific Railway Company to settle a claim for damages on account of a telegram being marked as originating at Vancouver, B.C., instead of Arlington, Wash.

1859. Refusal of the Canadian Northern Express Company to settle a claim for cattle which died in transit from Prince Albert, Sask., to Saskatoon, Sask.

1860. Unsatisfactory classification given in Canadian freight classification to tungsten lamps.

1861. Refusal of the Dominion Express Company to entertain claim for bananas frozen in transit between Winnipeg, Man., and Toulon, Man.

## SESSIONAL PAPER No. 20c

4862. Damage to hay by fire from engines of the Canadian Northern Railway Company near Midale, Sask.
4863. Fire damage to pasture lands near Hayter, Alta., caused by sparks from Canadian Pacific Railway Company's engines.
4864. Refusal of the Canadian Pacific Railway Company to make refund of difference between rates charged by construction gangs carrying freight and the regular grain rates on shipments handled between Torquay and Fort William, Ont., and Outram and Fort William, Ont.
4865. The Grand Trunk Railway Company increasing switching rate on the town spur in violation of agreement made with the village of Fergus, Ont.
4866. The Great Northern Railway Company charging a passenger rate of four cents a mile on the Canadian side of the border whereas they are only permitted by law to charge two cents per mile on the United States side.
4867. Unsatisfactory train service provided by the Canadian Pacific Railway Company between Lac du Bonnet, Man., and Winnipeg, Man.
4868. Inability of Complainant to obtain settlement from the Canadian Pacific Railway Company for oak table lost in transit between Ste. Agathe des Monts, P.Q., and Bromptonville, Que.
4869. Delay of the Canadian Northern Railway Company in paying for twenty loads of manure purchased at Delmas, Sask.
4870. Unsatisfactory train service on the Kootenay Valley Railway operated by the Great Northern Railway Company.
4871. Refusal of the Canadian Pacific Railway Company to make compensation for cow killed on right of way near Coleman, Alta., due to defective cattle guards.
4872. Damage to crops in the vicinity of Davis, Sask., due to fires from Canadian Northern Railway Company's engines.
4873. Lack of station agent at Elcott, Sask., on the Regina-Boundary branch of the Grand Trunk Pacific Railway.
4874. Overcrowding of cars on the Burnaby Lake branch of the British Columbia Electric Railway.
4875. Practice of Canadian Railways in holding back settlements of claims for periods of from four to eight months.
4876. Excessive freight charges on automobiles handled between British Columbia and Vancouver Island.
4877. Interswitching rates on coal at Trenton, Ont., between the Central Ontario and Grand Trunk Railways.
4878. Canadian Freight Classification on Ruberoid, Cronolite, Kaloroid, Dominion and Eureka roofings and roofing materials.
4879. Alleged excessive freight rate charged on a shipment of lumber from Rydlenbank on the Northern Ontario and Lake Huron Railway to Bruce station on the Canadian Pacific Railway.
4880. Unsatisfactory method of handling passengers on mixed trains at divisional points which requires that passengers must travel through yards and across tracks to get to their coach.
4881. Refusal of the Hull Electric Railway Company to grant reduced fares between Aylmer, P.Q., and Ottawa, Ont., at certain hours of the day.
4882. Unsatisfactory treatment received from the Atlantic Quebec and Western Railway Company in connection with drainage and the matter of a farm crossing at Little Pabos, P.Q.
4883. Refusal of the Canadian Pacific Railway Company to make settlement for bolt killed on their right-of-way on the Regina-Colonsay branch.
4884. Inability of complainant to get coal shed and siding accommodation from the Canadian Northern Railway Company at Calgary, Alta.
4885. Refusal of the Canadian Pacific Railway Company to entertain claim for apples frozen in transit to Maple Creek, Sask.



4886. Unsatisfactory rates covering carload shipments of milk at Vancouver, B.C.
4887. Alleged excessive freight rates charged on shipment of a car of hogs from Millett, Alta., to North Edmonton, Alta., via Canadian Pacific, Canadian Northern and Grand Trunk Pacific Railways.
4888. Freight rate charged by the Canadian Pacific Railway Company on a shipment of well drilling machinery shipped from Corsicans, Texas to Strathcona, Alta.
4889. Alleged unsafe operation of trains in the vicinity of Edmonton, Alta., on the Canadian Pacific Railway.
4890. Unsatisfactory drainage from property of the Atlantic, Quebec and Western Railway Company at Petite Riviere Est, P.Q.
4891. Trestle on the Atlantic, Quebec and Western Railway which causes highway on their right of way to be blocked with snow at Brèche à Manon, P. Q.
4892. Lack of fencing on the Canadian Northern Railway Rosebury Branch in the vicinity of Sandy Lake, Man.
4893. Alleged refusal of the Canadian Pacific Railway Company to sell seats in sleeping cars after 10 p.m., and refusing accommodation in these cars unless a berth is purchased.
4894. Damage caused by spark from Canadian Northern Railway Company's engine at Munson, Alta.
4895. Refusal of the Canadian Pacific Railway Company to make settlement of claim which originated on account of delay in transit of shipment from Cincinnati, U.S.A., to Vancouver, B.C.
4896. Alleged excessive express rates on carload shipments of fresh fish from Vancouver, B.C., to Winnipeg, Man.
4897. Damage done to steam and water pipes in the Institution for the Blind at Brantford, Ont., by means of electrolysis caused by improper bonding of the rails of the Grand Valley Railway Company.
4898. Alleged excessive freight rates charged on a car of mill stuff from a milling company at Lettbridge, Alta., to Crawford Bay, B.C., over the Canadian Pacific Railway.
4899. Blocking of culvert on the Canadian Pacific Railway east of Isbester, Ont.
4900. Proposed closing of highway crossing between sections 2 and 11, west of the second meridian, at Invermay, Sask., on the Canadian Northern Railway.
4901. Damage by fire caused from sparks from Canadian Northern Railway Company's engines at Birch Hills, Sask.
4902. The Canadian Northern Railway ploughing fire guards on private property at Delia, Alta.
4903. Loss of cattle on account of fire which originated from sparks from Canadian Northern Railway Company's engines near Standard, Alta.
4904. Damage to property caused by fire from Canadian Northern Railway Company's engines near Hanna, Alta.
4905. Refusal of the Dominion Atlantic Railway Company to furnish a crossing at an approach to private property at Deed Brook, N.S.
4906. Alleged excessive express charges assessed on parcels shipped from Brandon, Man., via Canadian Northern Express Company to London, England.
4907. Lack of proper fencing along the right of way of the Michigan Central Railway Company at Edy's Mills, Ont.
4908. Unsatisfactory condition of roadway at highway crossing over the tracks of the Lake Erie and Northern Railway Company between concessions 11 and 12, township of Townsend, Ont.
4909. Unsatisfactory express delivery limits in the town of St. Jerome, P.Q.
4910. The closing of a farm crossing at Foster, P.Q., on the Canadian Pacific Railway.
4911. Alleged discrimination against the city of Fort William, Ont. in the matter of freight rates as compared with all other points in western Canada.

## SESSIONAL PAPER No. 20c

4912. Refusal of the Canadian Pacific Railway Company's agent at Eagle River, Ont., to stop the second section of a train for a passenger wishing to board same.
4913. Bad state of roads in the immediate vicinity of the Canadian Northern Railway Company's station at St. Ursule, P.Q.
4914. Dangerous condition of Grand Trunk Railway Company's crossing at seventh concession line, one-half mile west of Georgetown, Ont.
4915. Refusal of the Canadian Pacific Railway Company to build a spur line extension for the accommodation of complainant at Waldo, B.C.
4916. The proposed discontinuance of daily passenger and mail train service between Midway and Nelson, B.C., on the Canadian Pacific Railway.
4917. Alleged excessive freight rates charged on corn handled over the Michigan Central Railway.
4918. Smoke nuisance and noise of trains along the river front in the town of Walkerville, Ont.
4919. Inability of complainant to get a settlement with the Grand Trunk Railway Company for furniture damaged in transit from West Toronto, Ont., to Windsor, Ont.
4920. Delay of the Canadian Pacific Railway Company for right of way purposes in the southeast quarter of section 21, township 17, range 7, west of the third meridian.
4921. Alleged unjust dismissal, by the Grand Trunk Pacific Railway Company, of a sectionman employed on the Regina boundary branch.
4922. Lack of proper fencing along the right of way of the Canadian Pacific Railway through a number of Indian Reserves such as Spuzzum, Boston Bar and North Bend and the resultant loss in cattle, horses, etc. being killed.
4923. Delay of the Canadian Pacific Railway Company in paying for land expropriated for right of way purposes near Marcelin, Sask., in the southeast quarter of section 26, township 44, range 7, west of the third meridian.
4924. Canadian freight classification for wheels of sheaf loaders.
4925. Refusal of the Canadian Northern Ontario Railway Company to settle claim for horse killed at Bowmanville, Ont.
4926. Alleged excessive freight charges assessed by the Canadian Pacific Railway Company on a shipment handled between Hughenden, Alta., and Toronto, Ont.
4927. The curtailment of freight and mail service between Selkirk, Man., and Gimli, Man., on the Winnipeg Beach branch of the Canadian Pacific Railway.
4928. The Canadian Northern Ontario Railway Company tearing up planking at farm crossing and digging a deep ditch on both sides of the track at Bowmanville, Ont.
4929. Condition of the Canadian Northern Railway Company's fencing at Bowmanville, Ont.
4930. Alleged excessive freight rates charged on a shipment of cotton goods from Magog, P.Q., to Walkerville, Ont., over the Canadian Pacific and Pere Marquette railways.
4931. Alleged overcharge on a car of mixed lumber shipped over the Canadian Pacific Railway from Fruitvale, B.C., to Calgary, Alta.
4932. Refusal of the Canadian Northern Railway Company to install a station agent at Banning, Ont.
4933. The Boston and Maine Railway Company not giving reduced rates in connection with the transportation of registered livestock, while all other railways grant half rate.
4934. Refusal of the Grand Trunk Pacific Railway Company to give a coal shed site at Keystown, Sask.
4935. Refusal of the Byron Telephone Company to give subscriber connection with London, Ont., on the line of the United Telephone Company of Lobo township, Ont.
4936. Dangerous crossing of the Esquimalt and Nanaimo Railway over the Victoria and Campbell River road, south of station in Duncan, B.C.

4937. Blocking of crossing known as the gravel road, in the Township of Yarmouth, Ont., by the Pere Marquette Railway Company's shunting operations, thus violating order of the board No. 13930.

4938. Damage to property of complainant living in the vicinity of Trenton, Ont., due to the Canadian Northern Ontario Railway Company constructing through his farm.

4939. Canadian freight classification of "Roemac" a road construction material.

4940. Inability of the Canadian Pacific Railway Company to furnish anything smaller than an 80,000-pound capacity car for a tail end shipment of wheat and assessing a charge as if the car was filled to capacity.

4941. Failure of the Quebec, Montreal and Southern Railway Company to provide farm crossing for complainant at La Baie, Que.

4942. Delay of Canadian Railway Companies in adjusting claims, delays in shipments, damages, etc.

4943. Refusal of the Bell Telephone Company to give connection with an independent rural telephone company in Hullett township, Ont.

4944. Unsatisfactory condition of fences along the Grand Trunk Railway near Argyle, Ont.

4945. Unsatisfactory train and mail service to and from Neville, Sask., on the Swift Current Southeasterly branch of the Canadian Pacific Railway.

4946. Shortage in weight of shipments of coal handled from Taber, Lethbridge, Alta., and other Western points to Weyburn, Sask., for which complainant is unable to obtain reimbursement.

4947. Lack of facilities for loading stock at Landis, Sask., on the Grand Trunk Pacific Railway.

4948. Refusal of the Grand Trunk Pacific Railway Company to settle claim for stock killed on right of way of their Tofield-Calgary branch.

4949. Unsatisfactory condition of the Canadian Pacific Railway Company's station at St. Felix de Valois, P.Q.

4950. Unsafe condition of some six or eight level crossings on the Sydney and Louisburg Railway in the town of Glace Bay, N.S.

4951. The Dominion Power and Transmission Company constructing a fence between their right of way and public highway at Burlington, Ont., and the inconvenience caused to a complainant by the gates constructed at his property.

4952. Damage to property caused by the construction of a spur track belonging to the Canadian Northern Railway Company in the southwest quarter of section 35, township 50, range 6, west of the fourth meridian.

4953. Alleged excessive freight charges assessed by the Atlantic, Quebec and Western Railway Company on a box of books shipped from Midland, Ont., to Newport Centre, P.Q.

4954. Train service to and from Belle Plaine, Sask., on the Canadian Pacific Railway.

4955. Refusal of the Atlantic, Quebec and Western Railway Company to install siding to handle local business at Chandler, P.Q.

4956. Dangerous condition of highway crossing at Mile 26.97 on the Campbellford, Lake Ontario and Western Railway in the village of Parham, Ont.

4957. Proposed location of a spur track from the Canadian Northern Ontario Railway to run between River and Wakefield streets in Parry Sound, Ont.

4958. Alleged excessive freight charges assessed by the Grand Trunk Pacific Railway on two cars of cordwood from Buckland, Sask., to Loverna, Sask.

4959. Refusal of the Pere Marquette Railway Company to accept shipments of hogs for delivery in Buffalo, N.Y.

4960. Delay of the Grand Trunk Railway Company in settling claim for honey lost in transit from Hagersville, Ont., to Morrin, Alta.



## SESSIONAL PAPER No. 20c

4961. Lack of a proper crossing where the Canadian Northern Railway crosses road allowance between sections 28 and 29, township 19, range 22, west of the second meridian, in the rural municipality of Lumsden, Sask.
4962. Dangerous crossing over the Canadian Pacific Railway Company's Alberta Central branch of the provincial government's surveyed road into the village of Rocky Mountain House, Alta.
4963. Proposed change in timetable on the Canadian Northern Ontario Railway Company's Ironsdale-Bancroft line and Central Ontario line.
4964. That bridge over waterway at Kenora, Ont., which is controlled by the Rat Portage Lumber Company and the Canadian Pacific Railway Company is interfering with navigation of said waterway.
4965. Damage to property at lot 40, concession 9, township of Camden, Ont., caused by dislodgment of a large stone which was thrown onto said property during the construction work of the Campbellford, Lake Ontario and Western Railway Company at that point.
4966. Excessive switching charges assessed by the Canadian Pacific Railway Company for switching services at Redcliff, Alta.
4967. The Quebec Oriental Railway Company charging excess on commercial travellers' baggage handled from station to station.
4968. The Canadian Northern Railway Company's highway crossing in the municipality of Whitehead, Man., being both dangerous and below standard.
4969. Proposed change in Supplement 26, Tariff 2866 relative to Grand Trunk Pacific Railway switching to North Edmonton, Alta.
4970. Passengers standing in cars and on running boards of cars on the Niagara Gorge route of the Niagara Gorge Railway.
4971. Refusal of the Toronto, Hamilton, and Buffalo Railway Company to take milk or express matter on the morning train at either St. Ann's or Smithville, Ont.
4972. Refusal of the Canadian Pacific Railway Company to grant compensation for buildings which are in danger of being burned down on account of being so close to the Moosejaw-Lacombe branch near Ethmuir, Sask.
4973. Delay of the Canadian Northern Railway Company in settling for right of way through the northeast quarter of section 32, township 26, range 13, west of the third meridian, in the vicinity of Forgan, Sask.
4974. Lack of proper drainage on the Canadian Northern Railway Company's right of way at highway just southeast of station at Innisfree, Alta.
4975. Train service and connections with the Canadian Pacific Railway at Sudbury, Ont.
4976. Overcrowding of cars on the Great Northern Railway week-end trains and also relative to matter of passengers being locked in cars on arrival at their destination.
4977. Canadian freight classification of glauber salts and sal soda.
4978. Present method of computing storage charges on parcels shipped from long distances.
4979. The Hydro Electric Power Commission of Ontario constructing a power wire over the Canadian Pacific Railway at Menoset station, Ont.
4980. Unsatisfactory condition of approach to crossing over the Calgary and Edmonton Railway in the rural municipality of Mountain View, Man.
4981. Excessive charges assessed by the Canadian Pacific Railway Company on a car of live stock shipped from Calgary, Alta., to Grand Forks, B.C., and failure of that company to water the live stock as required by the twenty-four hour law.
4982. Dangerous condition of highway crossing on the Grand Trunk Railway at one and a quarter miles east of Burlington Junction, Ont.

4983. Unsatisfactory train service on the Vegreville branch of the Canadian Northern Railway Company and delay in getting cream shipments to Edmonton, Alta., on account of such train service.

4984. The Grand Trunk Pacific Railway Company charging a fixed rate from Regina, Sask., to Lethbr., Sask., which includes a twenty-five cent entrance fee to sport grounds at Lethbr., Sask., on an excursion handled for the Carmichael Sunday school.

4985. Alleged discrimination shown by the Canadian Express Company in the matter of delivery of parcels at Lakefield, Ont.

4986. Unsatisfactory condition of culvert belonging to the Canadian Pacific Railway Company which interferes with the use of an undercrossing in the township of Pickering, Ont.

4987. Location of signal lights and other lights on the Pere Marquette Railway and obstructions that interfere with a clear view to these lights west of St. Thomas, Ont.

4988. Stock being killed on the right of way of the Canadian Pacific Railway on the north fork of the Kettle river, north of Grand Forks, B.C.

4989. Loading platform at Bois-Sevain, Man., being unsatisfactory so far as accommodation is concerned.

4990. Unsatisfactory location of the Canadian Northern Railway Company's station at Ethelbert, Man.

4991. Refusal of the Canadian Pacific Railway Company to settle claim for bacon and ham stolen from the freight shed at Mara, B.C.

4992. Lack of proper fencing along a ballast pit on the property of complainant near Humberston, Alta., on the line of the Canadian Pacific Railway Company.

4993. Delay of the Kettle Valley Railway Company in settling for lands expropriated for right of way purposes on their line between O-sprey Lake and Princeton, B.C.

4994. Unsatisfactory train service on the Virden to McAuley branch of the Canadian Pacific Railway Company in Manitoba.

4995. The Quebec Central and Boston and Maine Railway Companies cutting off pullman accommodation between Sherbrooke, Que., and Boston, Me., during the summer season.

4996. Proposed location of the Canadian Northern Railway Company's station near Stonefield, Que., and lack of a highway leading to the station if it is placed as proposed.

4997. The Eastern Canada Passenger Association raising the minimum of passengers to which reduced rates will be granted in connection with conventions, representative meetings, etc.

4998. Alleged excessive freight charges on a car of settlers' effects shipped from Pierson, Man., to Langham, Sask., over the Canadian Pacific and Canadian Northern Railway lines.

4999. Lack of station facilities for loading or unloading baggage or merchandise at Glasnevin, Sask., on the Weyburn-Lethbridge branch of the Canadian Pacific Railway Company.

5000. The Bell Telephone Company raising rates at Montreal, Que., on the basis per mile of wire instead of actual distance between points.

5001. Proposed diversion of Mill creek, Galt, Ont., as shown on the plans of the Lake Erie and Northern Railway Company for revised location through Galt, Ont.

5002. Alleged improper charge assessed by the Canadian Northern Railway Company at Toronto, Ont., covering shipments of coal diverted to points on their line.

5003. The Canadian Pacific Railway Company filling an open drain which drained the back of complainant's farm in the township of Trafalgar, Ont.; also putting gravel on a highway crossing the tracks at that point.

## SESSIONAL PAPER No. 20c

5004. Refusal of the Irondale, Bancroft and Ottawa Railway Company to construct a farm crossing over their line near Harcourt, Ont.

5005. Lack of proper fencing along the right of way of the Grand Trunk Railway Company at London, Ont.

5006. The culverts on the Morinville branch of the Canadian Northern Railway being too small to carry off the water from the district in the vicinity of St. Albert, Alta.

5007. The culverts on the Edmonton, Dunvegan and British Columbia Railway being too small and too high to properly drain the district near St. Albert, Alta.

5008. Lack of lavatory and facilities for handling freight at Fruitvale Station, B.C., on the Great Northern Railway.

5009. Refusal of the Canadian Pacific Railway Company to settle claim for goods lost in transit from Kinley, Sask., to Rockhaven, Sask.

5010. Unsatisfactory treatment received by complainant from the Canadian Pacific Railway Company in connection with sale of land for right of way purposes in the southwest quarter of section 20, township 34, range 2, west of the fourth meridian, near Wilhelmina, Alta.

5011. Condition of the Grand Trunk Railway Company's roadbed between Parry Sound and Depot Harbour, Ont.

5012. Alleged excessive demurrage charges assessed by the Canadian Pacific Railway Company on a car held at Vancouver, B.C.

5013. The Bell Telephone Company in the city of Montreal, P.Q., raising the telephone rates on a basis of the distance to the telephone exchange from the subscriber.

5014. Unsatisfactory condition of fences along the right of way of the Grand Trunk Railway at Maple Lake, Ont.

5015. Freight rates on the Vancouver, Victoria and Eastern Railway between Fernridge, B.C., and Sumas, Washington.

5016. Lack of proper drainage system at creek which crosses the Canadian Pacific Railway at Amyot, Ont.

5017. Canadian Pacific Railway Company's conductor charging complainant extra fare from Toronto, Ont., to London, Ont., when he presented a ticket reading from Neudorf, Sask., to London, Ont.

5018. Alleged discrimination shown in the matter of rates against the city of Saskatoon, Sask., and in favour of Battleford, Sask., on the Loveria Branch of the Grand Trunk Pacific Railway Company.

5019. Unsatisfactory mail train service to and from Redcliffe, Alta., on the Canadian Pacific Railway.

5020. Refusal of the Canadian Northern Railway Company to put a crossing over their track at Hale, B.C., on the Government road which is constructed from Grand Forks, B.C., to Phoenix, B.C.

5021. Charges asked by the Bell Telephone Company for connection with their telephone line and the South Drummond telephone line at Perth, Ont.

5022. Dangerous crossing at Dorval, P.Q., over the lines of the Canadian Pacific Railway and the Grand Trunk Railway.

5023. The unsatisfactory condition of the Canadian Pacific Railway Company's crossings in the rural municipality of Cory, Sask.

5024. Condition of the Canadian Northern Railway Company's crossings in the rural municipality of Cory No. 344, Sask.

5025. Alleged excessive overcharge on a shipment of oats from Irricana to Calgary, Alta. over the Canadian Pacific Railway.

5026. Refusal of the Canadian Pacific Railway Company to entertain claim for refund of overcharge on a shipment of lumber from South Wellington, B.C., to Merritt, B.C.

5027. Unsatisfactory facilities provided by the Canadian Express Company for the shipment of perishable fruits from Jordon, Ont.



6 GEORGE V, A. 1916

5028. Dangerous condition of highway crossings on the line of the Canadian Pacific Railway Company between Sagwa and St. John, N.B.
5029. Refusal of the Canadian Northern Railway Company to put a highway crossing over the side track east of the depot at Pelly, Sask.
5030. The passenger fares charged on the Canadian Pacific Railway between St. Gabriel de Brandon, Que., and Joliette, Que.
5031. Dangerous level crossing on the Canadian Pacific Railway at Westfield cutting between Westfield, N.B., and Hillandale, N.B.
5032. Dangerous level crossing on the Canadian Pacific Railway at Martinon Station, N.B.
5033. Dangerous level crossing on the Canadian Pacific Railway at Ketepec Station, N.B.
5034. Dangerous level crossing on the Canadian Pacific Railway between Ketepec and Acamac, N.B.
5035. The Grand Trunk Railway Company changing the name of Stanfold Station, Que., to Princeville, Que.
5036. Delay of the Canadian Pacific Railway Company in making refund for overcharge in passenger fare on a trip from Woodlawn Station on the Michigan Central Railway to Montreal, Que., via Smiths Falls, Ont., with stopover at Chesterville, Ont.
5037. The Grand Trunk Railway Company delivering carload consignments of cement to the Northern Navigation Company's boats at Owen Sound, Ont., without assessing the dockage charges.
5038. The Canadian Pacific Railway Company assessing an interline switching charge against a Vancouver firm on cars which are switched to elevator for storage but not consigned to the complainants.
5039. Refusal of the Grand Trunk Railway Company to entertain claim for a Columbia-Michigo Battery which was destroyed while in transit from Cleveland, Ohio; to Blandford, N.S.
5040. The Bell Telephone Company at Montreal, Que., charging a commercial rate for telephone installed in residence at Notre Dame de Grace, Montreal, Que.
5041. The Grand Trunk Pacific Railway Company expropriating a strip of land four hundred feet wide through homestead in the northwest quarter of section 14, township 53, west of the fifth meridian near Gainford, Alta.
5042. Refusal of the Bell Telephone Company to install a telephone on premises of complainant in the city of Montreal, Que.
5043. Poor service of the Canadian Northern Express Company between Bancroft, Ont., and Toronto, Ont.
5044. The Canadian Pacific Railway Company's agent selling a ticket to Sturgeon Falls, Ont., and directing passenger to a train which was not supposed to stop there although passenger found out after he had alighted at North Bay, Ont., that this train did stop at Sturgeon Falls for mail.
5045. Unsatisfactory transportation facilities for shipments of fruit from Oakville, Ont., to Montreal, Ottawa, and other eastern points.
5046. A spotting charge of two dollars per car assessed by the Canadian Pacific Railway Company for placing shipments of oil and other products on a private siding at St. Stephen, N.B.
5047. Delay in transit to shipment of live stock on the Canadian Pacific Railway Company's line between Ponoka, Alta., and Kerrobert, Sask.
5048. Refusal of the Canadian Pacific Railway Company to make refund of an overcharge on shipment of household goods from Spokane, Wash., to Regina, Sask.
5049. The Canadian Northern Railway Company's freight charges on agricultural machinery from Regina to Mazenoid, Sask.

## SESSIONAL PAPER No. 20c

5050. Freight rate charged by the Canadian Northern Railway Company on shipments of coal from Ottawa, Ont., to Richmond, Ont.
5051. Dangerous level highway crossing one and a half miles south of Smith's Falls on the Canadian Pacific Railway at highway known as Elmsley Crossing.
5052. Unsatisfactory express service on fruit between the Niagara District and Montreal, Que.
5053. Overcrowding of trains on the Montreal and Southern Counties Railway between Montreal, P.Q., and Marieville, P.Q.
5054. The Canadian Pacific Railway Company not constructing a station at Brightmore siding, Sask., although land was purchased there for that purpose.
5055. Lack of effective cattle guards along the Canadian Pacific Railway Company's lines in the Province of Alberta.
5056. The Canadian Northern Railway Company blocking a crossing at Dummer, Sask., by constructing an elevator at that point.
5057. Alleged excessive express rates charged by the American Express Company on shipments of fruit from Fenwick, Ont., to Toronto, Ont.
5058. Dangerous condition of highway crossings over the Canadian Northern Railway in the municipality of Whitehead, Man.
5059. Refusal of the Canadian Pacific Railway Company to settle claim for alleged overcharge on a shipment of horses from Scaforth, Ont., to Sault Ste. Marie, Ont.
5060. The Michigan Central Railway assessing a car service charge for service performed on coal shipments at Windsor, Ont., consigned to Detroit, Mich., ex Pennsylvania points.
5061. Unsatisfactory condition of fencing along the right-of-way of the Canadian Northern Railway Company in the municipality of Minitonas, Man.
5062. Unsatisfactory train service furnished by the Grand Trunk Railway Company between St. Marys, Ont., and Sarnia, Ont.
5063. Unsatisfactory manner in which the Canadian Pacific Railway Company's captain of the steamship "Bonnington" handles freight consigned to his charge on the Arrow Lakes, B.C.
5064. Freight rates on lumber charged by the International Railway Company.
5065. The Canadian Pacific Railway Company removing a spur line which the predecessors of a Winnipeg firm had installed and for which they paid four hundred dollars.
5066. Poor fencing of the Canadian Northern Railway Company in the vicinity of Altamont, Man.
5067. Fencing along the Canadian Pacific Railway Company's line between Yahk and Kingsgate, B.C.
5068. The Canadian Pacific Railway Company not constructing a loading platform at Gilroy, Sask.
5069. Freight rate charged by the Canadian Northern Railway Company for handling a shipment of household goods from Doland, U.S.A., to Battleford, Sask.
5070. Freight rate charged on a bath tub shipped from Walkerville, Ont. to Jenkins, Alta.
5071. The Great Northern Railway Company making a settlement for shingles lost in transit at the cost price of the shingles instead of the selling price to the customer.
5072. The Canadian Pacific Railway Company closing public crossing at Ile Cadieux in the parish of St. Michel de Vaudreuil, Que.
5073. Alleged discrimination shown by the Grand Trunk Railway Company in the matter of granting rebate on cars loaded on private sidings at Collingwood, Ont.
5074. Noisy shunting performed by the Canadian Northern Railway trains in the vicinity of the Methodist Church at Yarker, Ont., on the Sabbath Day.

5075. The Canadian Northern Railway Company have refused to furnish a farm crossing between Mikado, Sask., and Veregin, Sask.

5076. Refusal of the Canadian Pacific Railway Company to reimburse complainant for cattle killed on right of way near Colonsay, Sask. although crossing gate was out of order.

5077. The Canadian Pacific Railway Company charging a higher rate than the one quoted on a shipment of steel from Pittsburg, U.S.A. to St. Stephen, N.B.

5078. Delays to shipments consigned over the Pere Marquette Railway to Corunna, Ont., and the unsatisfactory condition of station at that point.

5079. The Dominion Express Company at Bowmanville, Ont. refused to accept a parcel consigned to Wellington, Ont. on the Canadian Northern Railway.

5080. Damage caused by fire from Canadian Pacific Railway Company's engine at Herschel, Sask.

5081. The Canadian Northern Railway Company refusing to allow a sewer to be constructed under their tracks at Trenton, Ont.

5082. Refusal of the Grand Trunk Railway Company to make refund of demurrage charges which accrued on a car of coal consigned to Cannington, Ont.

5083. Dangerous level crossing on the town line between Stisted, Ont., and Stephenson, Ont. on the Grand Trunk Railway Company's northern division.

5084. Refusal of a railway company to grant a reduced rate for the return of an automobile chassis which was refused at destination.

5085. Unsatisfactory handling of the fruit business in British Columbia by the Canadian Pacific Railway Company.

5086. The Canadian Pacific Railway Company's fence at Readlyn, Sask., cutting off the town from access to the elevator.

5087. Lack of a proper crossing over the Canadian Northern Railway at Prince, Sask.

5088. An alleged shortage in weight of shipment of flax and wheat mixed shipped from Avonhurst, Sask. via the Canadian Pacific Railway to Port Arthur, Ont.

5089. Charges assessed by the Canadian Pacific Railway Company over and above railway fare on a trip from Winnipeg, Man., to Leipzig, Sask.

5090. Unnecessary whistling of locomotives within the town of Port Hope, Ont.

5091. Drainage facilities on the Grand Trunk Pacific Railway in the vicinity of Brochin, B.C.

5092. Lack of cattle guards on the Canadian Pacific Railway at Ensign Station, Alta.

5093. Alleged excessive switching charges assessed by the Pere Marquette Railway Company on shipments of gravel to McGregor Jet., Ont.

5094. Refusal of a day operator at Sherbrooke, Que., to sell passenger an excursion ticket covering passage to Matur, Que., but made him pay the full regular fare.

5095. Lack of drainage along the right of way of the Quebec Oriental Railway in the vicinity of Carleton, Que.

5096. Goods lost while in transit over the Grand Trunk Railway system from Pontiac, Mich., to Erie, Penn.

5097. Inadequate stockyard facilities at Botha, Alta., on the Canadian Pacific Railway.

5098. The Canadian Pacific Railway Company ordering tenants to vacate premises rented at Regina, Sask., and request the board to investigate the cause of such notice being given.

5099. Condition of farm crossing at lot 3, concession 8, township of Montague, Ont., on the Canadian Northern Railway.

5100. The Dominion Atlantic Railway Company employing engineers who have not passed examinations on the general train and operating rules.

5101. Lack of proper station and shelter for passengers and freight at Prince, Sask., on the Canadian Northern Railway.



## SESSIONAL PAPER No. 20c

5102. Failure of the Canadian Northern Railway Company to make roadway safe at their ballast pit in the rural municipality of Pleasant Valley, Sask.

5103. Lack of proper roadway crossing the Canadian Northern Railway to the elevators at Prince, Sask.

5104. Carload rating on posts being shipped from Revelstoke, B.C., to prairie points.

5105. Height of telegraph wires just east of the Canadian Pacific Railway Company's yards at Malakwa, B.C.

5106. Clay from embankment of the Canadian Northern Railway causing damage to fields at lot 4, concession 4, township of Scarboro, Ont.

5107. Dangerous conditions existing at crossing between lots 10 and 11, concession 8, township of East Gwillimbury, Ont.

5108. Freight rates charged by the Canadian Pacific Railway Company on a shipment of settlers effects from Bowden, Alta., to Sibbald, Alta., and from Innisfail to Sibbald, via Camrose, Alta.

5109. The discontinuing of Saturday excursion to Picton, Ont., on the Canadian Northern Ontario Railway.

5110. Canadian Pacific Railway connections at Sharbot Lake, Ont.

5111. The cancellation of the Canadian Pacific Railway Company's daily trains 511 and 512 between Lethbridge and Medicine Hat, Alta.

5112. No facilities for handling milk shipments and other products at Bar River, Ont., on the Canadian Pacific Railway.

5113. Condition of fencing along the Northern and Erie Railway.

5114. Refusal of the Canadian Pacific Railway Company's agent at High River, Alta., to sell complainant a ticket from High River to Calgary, Alta., and return.

5115. Removal of assistants to station agent at Iroquois, Ont., on the Grand Trunk Railway.

5116. Alleged discrimination shown by the Canadian Pacific Railway in the matter of milling in transit rates on dried grains.

5117. Customs entry charges of one dollar and twenty cents billed by railroads in Detroit, Mich., on cars of lumber ex Callander, Ont.

5118. The Canadian Northern Railway Company running through Maidstone, Sask., showing trains on their time tables as "daily" when they only run "tri-weekly."

5119. Refusal of Edmonton, Dunvegan and British Columbia Railway Company to settle for steer killed on right of way which was not protected by cattleguards at time of accident.

5120. Increased freight rate on brick as contained in joint freight tariff of the Grand Trunk Railway Company, C.R.C. No. E. 2552.

5121. Refusal of express companies in Canada to carry live skunks in their cars.

5122. Proposed increase in minimum carload weights by railway companies on flour and mill products.

5123. The Canadian Pacific Railway Company's proposed increase in minimum carload weights of mill products.

5124. Failure of the Grand Trunk Railway Company to furnish a date for the farmers of Brant township to hold their excursion to Guelph Experimental Farm, at Guelph, Ont.

5125. Alleged excessive freight charges on a shipment of books from England to Marmora, Ont.

5126. The Canadian Northern Railway Company injuring the lumber and pulpwood trade in the township of Chisholm, Ont., by not opening their line for traffic through that township.

5127. The Pere Marquette Railway Company's foreman at St. Thomas, Ont., running engines on main line and in the yard although he has not passed qualifying examinations; also the condition of signals and lights on the Pere Marquette Railway west of St. Thomas, Ont.

5128. Electricity charged in tracks of the Niagara, St. Catharines and Toronto Railway Company at road crossing between St. Catharines, Ont. and Niagara-on-the-Lake, the power of the electricity being sufficient to throw horses making the crossing.

5129. Improper fire guards along the line of the Grand Trunk Pacific Railway Company's Regina-Boundary Branch in the vicinity of Alameda, Sask.

5130. Freight rates on peas from Essex, Ont. to Shaunavon, Sask.

5131. Refusal of the Canadian Northern Express Company to settle a claim for eggs lost in transit between Bethune, Sask. and Regina, Sask.

5132. Damage to property at Alexander, Man., caused by fire from Canadian Pacific Railway Company's engines and the refusal of the Canadian Pacific Railway Company to grant remuneration for land rendered useless by ploughing of fireguards.

5133. Refusal of the Canadian Pacific Railway Company to settle claim for damage to shipment of stock on account of delay in transit and improper feeding and watering when shipped from Ontario to Irricana, Alta.

5134. Freight charges on a car of settlers' effects shipped via the Grand Trunk Pacific Railway from Edmonton, Alta. to Westlock, Alta.

5135. Train service on the Canadian Northern Railway from Parry Sound, Ont. Northbound.

5136. Trains of the Pere Marquette Railway Company blocking highway crossing just east of Ruthven Station, Ont.

5137. The Quebec and Lake St. John Railway Company discontinuing through train service between La Tuque, P.Q., and Rivière à Pierre Junction, Que.

5138. Alleged excessive freight charges of the Atlantic, Quebec and Western Railway Company and the Quebec Oriental Railway Company on a shipment of an engine and parts from Grand River, Que. to St. Hyacinthe, P.Q.

5139. Defective cattle guards used by the Canadian Northern Railway Company in the rural municipality of Carrot River, Sask.

5140. Lack of effective fencing on the Canadian Pacific Railway Company's right of way in the vicinity of Bawlf, Alta.

5141. Refusal of the Michigan Central Railway Company to grant a clear bill of lading on shipments of onions or to furnish a checker when shipping the onions in carload lots.

5142. Improper drainage along the line of the Carleton and Gulf Shore Railway near Janeville, N.B.

5143. The Canadian Pacific Railway Company neglecting to settle claim for damages to property caused by the fire from their engines at Champlain, P.Q.

5144. Dangerous crossing on the Canadian Pacific Railway at Dixie, Ont.

5145. Poor first-class passenger accommodation supplied by the Grand Trunk Railway Company.

5146. Unsatisfactory fire guarding on the Canadian Northern Railway in the vicinity of Benton, Alta.

5147. The rate charged by the Canadian Northern Railway Company for Pullman accommodation as compared with sleeping car accommodation en route from Regina, Sask. to Prince Albert, Sask.

5148. The Grand Trunk Railway Company's train No. 28 not stopping at Baden, Ont.

5149. Refusal of the Bell Telephone Company to place subscriber's name in the directory with his address in a hotel in Montreal, Que.

5150. Alleged excessive freight rate on shipments of cement from Hull, P.Q., to Massey, Ont. as compared with rate from Sault Ste. Marie, Ont. to Massey, Ont.

5151. Time allowed by railway companies for the unloading of grain from cars.

5152. The Canadian Express Company charging an overweight on shipment of grapes from Beamsville, Ont. to Cardinal, Ont.

5153. Dangerous condition of bridge over the track of the old Carillon and Grenville Railway in the township of Chatham, Que.

## SESSIONAL PAPER No. 20c

5154. Cars on the line of the Brantford and Hamilton Electric Railway not stopping long enough to allow passengers to entrain.

5155. Refusal of the Bell Telephone Company to refund telephone charges for a quarter when subscriber's office had been closed for that term.

5156. The Kettle Valley Railway Company clearing right-of-way and leaving debris and timber on adjacent property where it becomes an expense to the owner of the land to clear and is a menace of fire danger.

5157. Tariff G.F.D. No. 85 of the Algoma Eastern Railway Company in connection with the Northern Navigation Company and the Dominion Transportation Company, Limited, covering traffic between Collingwood, Owen Sound, Sudbury and intermediate points.

5158. The Canadian Pacific Railway Company's proposed change of the daily train service between Rossland and Trail, B.C., into a tri-weekly service.

5159. Unsatisfactory boat service rendered by the Huntsville and Lake of Bays Navigation Company.

5160. Inconvenience caused to the travelling public on account of the railway companies not furnishing advance notices of proposed changes in timetables.

5161. Refusal of the Canadian Pacific Railway Company to settle claim for expenses incurred on account of non-delivery of a shipment of household goods sent from Birmingham, Alta., to Winnipeg, Man.

5162. Freight rate charged on a shipment of apples sent by lake and rail route from Ayr, Ont., to Strathclair, Man.

5163. The Canadian Northern Express Company's rate on dressed poultry from Enterprise, Ont., to Montreal, P.Q.

5164. Freight rates on paper shipped from Jonquière, Que., to Winnipeg, Man., and the poor condition of boats of the Canada Steamship Lines which result in damaged paper at destination.

5165. The Georgian Bay and Seaboard Railway Company's bridge opposite lot 13, concession 8, township of Eldon, Ont., not having a sufficient opening to properly take care of the drainage in its neighbourhood.

5166. Freight charged by the Canadian Pacific Railway Company on a shipment of six horses from Fredericton, N.B., to Allanburg, Ont., as compared with freight rates on the Intercolonial Railway.

5167. The Great Northern Railway Company outlawing a claim because notice of damage to shipment was not received within a specified time after receipt of the goods.

5168. Tariff W. 3248 issued by the Canadian Pacific Railway Company, which provided mileage tariff on grain in carload lots within specified area not being available except to certain specified consignees.

5169. Refusal of the Dominion Express Company to accept Great Northern and Northern Pacific refrigerators for loading at Selkirk, Man., to be moved by freight to Winnipeg, Man., and Great Northern or Northern Pacific from Winnipeg, Man., the Dominion Express Company claiming the right to route equipment via the Soo line when destination is Chicago, Ill.

5170. Railway tariffs showing a greater rate on hay moving into Winnipeg, Man., than shipments moving out of Winnipeg, Man., thus increasing the farmers' cost to market hay at that point.

5171. The Canadian Freight Classification No. 16 which states that shipments of whisky must be made up in barrels only or in cases only in order to get the minimum carload rates in each case.

5172. Refusal of the Canadian Pacific Railway Company to settle claim for cow killed on their line of railway due to lack of proper cattle-guards at Bissett Creek, Ont.



6 GEORGE V, A. 1916

5173. Alleged discrimination shown by the Canadian Pacific Railway Company in the way they are charging on the weight of packages used for the transportation of wire nails.

5174. Freight rates on china clay from Huberdeau, P.Q., to other points in Canada.

5175. Refusal of a farmer at Harte, Man., to allow the Grand Trunk Pacific Railway Company to plough fire-guards.

5176. Refusal of a farmer at Brookdale, Man., to allow the Grand Trunk Pacific Railway Company to plough fire-guards.

5177. The Edmonton, Dunvegan and British Columbia Railway Company delay in filing a location plan of their line through the west half of section 32, township 59, range 26, west of the fourth meridian thus delaying the transfer of title for this land to the complainant.

5178. Unsatisfactory train service on the Canadian Northern Railway Dalmeny to Laird, Sask.

5179. Refusal of the Hamilton, Grimsby and Beamsville Railway Company to reimburse complainant for goods broken in transit from Agincourt to Beamsville, Ont.

5180. Freight rates on dressed granite on Grand Trunk and Quebec, Montreal and Southern Railways.

5181. Train service and the operation of trains by unqualified trainmen on the Canadian Northern Railway from Kamloops, B.C., to mileage 121.

5182. Grading of the Canadian Pacific Railway Company's crossing in the village of Ste. Thérèse, P.Q.

5183. The right of way of the Canadian Pacific Railway Company being too close to the public highway in the municipality of St. Francis Xavier, Que.

5184. Dangerous way in which trains are handled on the Pere Marquette Railway between Port Stanley, St. Thomas and London, Ont.

5185. Refusal of the Grand Trunk Railway Company to revise their rules governing reconsignment and diversion of shipments of bananas so that United States shippers could have same privileges similar as those extended to shippers of citrus fruit from California.

5186. The Canadian Northern Railway Company removing telephone from station at Grandview, Man.

5187 Failure of the Canadian Northern Railway Company to repair road leading over their right of way and up to Beadle elevators in the rural municipality of Kindersley, Sask.

5188 Treatment received from the Canadian Northern Railway Company in the matter of right of way purchased on their Saskatoon-Calgary branch and claim for damages on account of unsatisfactory fencing, near Munson, Alta.

5189. Lack of proper fencing along the right of way of the Canadian Northern Railway at Delta, Ont.

5190. The Canadian Pacific Railway Company erecting a fence in front of complainant's property at Hartley, Ont., on the Port McNicoll branch.

5191. Inability of complainant to secure a settlement of claim for loss and damage caused in the shipment of horses from Dutton, Ont., to Watrous, Sask., over the Pere Marquette Railway, the Canadian Pacific Railway and the Grand Trunk Pacific Railway.

5192. The Canadian Pacific Railway Company blocking the crossing of city transmission line of the City Light and Power Department, city of Winnipeg, Man., at lot 58, parish of Kildonan, Man.

5193. Coal rates as specified in the new Canadian Pacific Railway Company's tariff No. 2-2899, C.R.C. No. E. 2870.

## SESSIONAL PAPER No. 20c

5194. Dangerous crossing on the Kingston road, near West Hill, Ont., where the Grand Trunk and the York Radial Railways intersect.

5195. Train service of the Quebec Oriental Railway Company in the counties of Bonaventure and Gaspé, Quebec.

5196. The Grand Trunk Pacific Railway Company refusing to settle claim for shortage in shipment consigned to Delburne, Alta.

5197. Train service on the Canadian Northern Railway between Notre Dame des Anges and Garneau Junction, Que.

5198. The Halifax and Southwestern Railway Company closing station at Argyle, N.S.

5199. The Grand Trunk Railway Company's proposed change in roadbed through the town of Campbellford, Ont., at the junction where the track crosses the Trent Canal.

5200. Protest against the decision of the Canadian Car Service Bureau in the matter of a claim for refund of demurrage charges on a car of brick delayed at Mile End, P.Q.

5201. Station and platform of the Canadian Northern Railway Company at Bois Blanc in the Parish of Ste. Justine, P.Q.

5202. The Canadian Pacific Railway Company removing planks from crossing at Beaver, B.C.

5203. The Canadian Northern Railway Company placing a culvert and constructing a ditch so that water runs through the centre of a farm at Stonefield, Que.

5204. New timetable of the Canadian Northern Ontario Railway Company covering train service to and from Deseronto, Ont.

5205. The Canadian Northern Railway Company using a motor passenger car between Trenton and Belleville, Ont., in which the seats are not reversible and as the railway company have no facilities for turning the car at Belleville, Ont., passengers had to ride sitting backward on the return trip.

5206. The Grand Trunk Railway Company's rates on sand and gravel from Sherks, Ont., to Black Rock and Buffalo, N.Y., as shewn in new schedule C.R.C. No. E. 2996.

5207. The Canadian Northern Railway Company blocking the various crossings of the Edmonton Radial Railway Company with switching and shunting operations.

5208. The Canadian Pacific Railway Company refusing to settle claim for horse killed on their right of way at Creston, B.C., although there was no cattle guard protection at this point.

5209. Condition of the cattleguards on the Canadian Northern Railway in the vicinity of Big Valley, Alta.

5210. Unsatisfactory freight service at Yarker Station, Ont., on the Canadian Northern Railway.

5211. The proposed closing of Pelletier Avenue, county of Quebec, Que.

5212. Alleged unsatisfactory service rendered by the Bell Telephone Company in the city of Montreal, Que.

5213. Freight rate charged by the Canadian Pacific Railway Company on two barrels of apples shipped from Milton, Ont., to Winnipeg, Man.

5214. Alleged refusal of the Grand Trunk Railway Company to furnish refrigerator cars for the shipment of apples from Innerkip, Ont., to points in the West.

5215. Refusal of the Kingston and Pembroke Railway Company (C.P.R.) to weigh carloads at the Locomotive Company's scales at Kingston, Ont., although the Railway Company's scales were defective.

5216. The Canadian Pacific Railway Company removing wooden sidewalk from across tracks opposite Duncan Station, B.C.

5217. Canadian Freight Classification covering the shipment of "K.D. Chairs" from Danville, Que., to Western points.

6 GEORGE V, A. 1916

5218. Condition of fences along the right of way of the Grand Trunk Railway Company near Edgington station, Ont.

5219. The proposed removal of station at Dayton, Ont., to a point two miles east of present site on the Canadian Pacific Railway.

5220. Inability to secure refrigerator cars for the shipment of apples from Oxford Centre, Ont. on either the Grand Trunk or Canadian Pacific Railway.

5221. Location of cattle pass across the Erie and Ontario Railway between lots 4 and 5, concession 2, township of Gainsboro, Ont.

5222. Increase in freight rate on brick for distance over ninety to one thousand miles, as per Supplement No. 68 to Tariff E. 2166.

5223. The Michigan Central Railway Company closing farm crossings on property of complainant at Dutton, Ont.

5224. The manner in which the Bell Telephone Company enter up long distance calls on their accounts, the companies to which the bills are sent being unable to check up the charges to see if they are correct.

5225. Delay of the Canadian Pacific Railway Company in settling for land expropriated from complainant on lot 31, concession 7, township of Pickering, Ont.

5226. Delay to a shipment of cattle on the Canadian Pacific Railway from Bowell, Alta. to Fort Steele, B.C. and the poor facilities provided for the unloading of his stock at destination.

5227. Alleged overcharge on a shipment of household goods shipped from Lakefield, Ont. to North Edmonton, Alta. on the Grand Trunk Pacific Railway.

5228. Delay of the Canadian Northern Railway Company in paying for services performed ploughing fireguards at Cullen, Sask.

5229. Loss of oats in transit over the Canadian Northern Railway shipped from Muenster, Sask.

5230. Alleged unjust charge of the Bell Telephone Company for service used jointly by a nurse and a business firm at Toronto, Ont.

5231. Condition of Grand Trunk Pacific Railway Company's crossing with highway at the convergence of four sections, 21, 22, 27 and 28, township 32, range 22, west of the Third Meridian.

5232. Injury to the fish industry in the Province of British Columbia caused by the blocking of rivers and streams by driftwood and debris caught in construction work at trestles and piles of bridges on various lines of railways in that province.

5233. Treatment received by complainant at the hands of the Canadian Northern Railway Company in connection with some luggage arriving on the *Royal George* which was forwarded to Montreal in error instead of being unloaded at Quebec.

5234. Fire caused by sparks from Canadian Pacific Railway Company's trains in Yoho Park at Wapta, B.C.

5235. Increase in switching charges of the Canadian Pacific Railway Company.

5236. Station accommodation in the village of Chicoutimi, Que. on the Quebec and Lake St. John Railway.

5237. Smoke nuisance, noise of shunting, whistling and bell ringing in Chicoutimi, Que. on the Quebec and Lake St. John Railway.

5238. Unsafe condition of roadbed on the Quebec and Lake St. John Railway.

5239. The railway companies adding a switching charge at mine sidings in Alberta such charges having a tendency to counterbalance recent reduction on rates on coal and heavy goods.

5240. The Canadian Northern Railway Company increasing freight rate on returning empties, which increase partly offsets the recent reduction in freight rates ordered by the board.

5241. The Canadian Northern Railway Company increasing freight rates on shipments consigned to points on the Grand Trunk Railway between Montreal and Toronto, Ont.



## SESSIONAL PAPER No. 20c

5242. Alleged excessive freight rates on oils and gasoline from Fort William, Ont. to Elrose, Sask. as compared with freight rates on wheat from Elrose to Fort William, Ont.

5243. Switching rate charged by the Canadian Pacific Railway Company for switching cars from the Intercolonial Railway Company's tracks to the Canadian Pacific Railway Company's elevator at St. John, N.B.

5244. Interswitching charges at Hamilton, Ont., between the Grand Trunk and the Toronto, Hamilton and Buffalo Railway Companies.

5245. Condition of crossing gates and fences on the Thunder Hill subdivision of the Canadian Northern Railway Company.

5246. The Brantford and Hamilton Electric Railway Company removing a watchman at a dangerous point known as Rock Cut just outside of Hamilton, Ont.

5247. Alleged carelessness shown by conductors in the handling of trains on the British Columbia Electric Railway Company's line.

5248. Lack of cattleguards on the Edmonton, Dunvegan, and British Columbia Railway.

5249. Damage to crop caused by a fire which was started by sparks from train on the Canadian Pacific Railway near Dunkirk, Sask.

5250. Dangerous crossing on the Grand Trunk Railway Company's line just outside the limits of the town of Port Dover, Ont., in the township of Woodhouse, Ont.

5251. Lack of weigh scales in the stock yards of the Canadian Pacific Railway Company at Melville, Sask.

5252. The erection of a bridge across the north arm of the Fraser River as contemplated by the Canadian Northern Pacific Railway Company.

5253. Supplement No. 6 to the Canadian Northern Railway Company's tariff No. E. 295 which advances the rates from Merriton and Thorold, Ont. to points in the United States.

5254. Freight charges on a colt shipped from Caplan to Matapedia, Que. on the Quebec Oriental Railway.

5255. Demurrage charges on refrigerator cars at Montreal, Que.

5256. Alleged unjust charges for overweight and the feeding of stock in transit from Frelighsburg, Que. to Alberta.

5257. Damage to hay crop caused by a fire which was started by sparks from an engine on the Canadian Pacific Railway near Gouverneur, Sask.

5258. Alleged unsatisfactory rule of the Quebec Oriental Railway Company that a separate bill of lading be furnished for each car shipped.

5259. The Kootenay Central Railway Company's proposal to give the name "Radium" to a station constructed twenty-six miles from Radium Hot Springs and adjacent to the Fairmont Hot Springs.

5260. Refusal of the Canadian Pacific Railway Company to settle claim for an alleged overcharge on a shipment of household goods shipped to Bethune, Sask. on the ground that the complainant had not submitted the original receipted expense bill to verify the claim.

5261. Proposed freight increase on skelp shipped in carloads from Pittsburg District to Welland, Ont.

5262. The Canadian Northern Railway Company assessing freight charges on a basis of 40,000 pounds minimum weight per carload of potatoes.

5263. The Algoma Central Railway Company charging excessive rates on shipments of wood.

5264. The Grand Trunk Railway Company's tariff supplement 260 to C.R.C. E. 2552, which raises the minimum carload weights on bricks from 40,000 to 50,000 pounds.

5265. Unsatisfactory time of trains on the Canadian Northern Ontario Railway running through Starkville and Osaca stations which is detrimental to pupils attending school at Port Hope, Ont.

5266. Photographic supplies being held up by the Grand Trunk Pacific Railway Company under bond at Edmonton, Alta.

5267. Fire damage to property near Alix, Alta. on the Calgary to Edmonton, Alta. branch of the Grand Trunk Pacific Railway Company caused by fire started by sectionmen.

5268. Condition of fences along the Parry Sound Division of the Grand Trunk Railway Company.

5269. Alleged excessive charge of the Canadian Express Company who are assessing a minimum charge of fifty cents on parcels shipped to the west.

5270. Switching charge of two dollars per car on shipments of cars of coal from Edmonton, Alta. to Lloydminster, Sask.

5271. Unsafe condition of engines 750 and 853 running out of Smiths Falls, Ont. on the Canadian Pacific Railway.

5272. Proposed change in train service between Ottawa and Cumberland, Ont., on the Canadian Northern Ontario Railway.

5273. Delay of the Lake Erie and Northern Railway Company in settling for land taken for railway purposes in lots 25 and 26., township of South Dumfries, Ont.

5274. Alleged excessive rates charged by the Canadian Northern Railway Company on two carloads of machinery shipped from Prince Albert, Sask., to Le Pas, Man.

5275. Proposed curtailment of the first-class passenger trains on the Canadian Northern Prince Albert to Winnipeg line to a tri-weekly service.

5276. The Canadian Pacific Railway Company refusing to allow a passenger to stop-over en route from Calgary to Irricana and return unless it was so specified on his ticket.

5277. The Canadian Northern and Dominion Express companies proposed cancellation of present rate on frozen fish between Winnipeg, Man., and Detroit, Mich.

5278. The Canadian Pacific Railway Company removing planking at farm crossings every fall.

5279. Lack of farm crossing and fencing through property of complainant at Eunice, Alta., on the Edmonton, Dunvegan and British Columbia Railway.

5280. Proposed change of train service on the Grand Trunk Railway between Listowel and Stratford, Ont.

5281. Freight rate on lumber from Cache Bay to Gananoque, Ont., and the Canadian Pacific Railway Company not publishing through rates to points on the Grand Trunk Railway, east of Kingston, Ont.

5282. Size of culvert on the Georgian Bay and Seaboard Railway at Lot 16, Concession 2, township of Eldon, Ont.

5283. The Canadian Northern Express Company's service for live poultry between Enterprise, Ont. and Montreal, Què.

5284. Freight rate on shipment of automobile and parts from Walkerville, Ont., to Pilot Mound, Man., over the Canadian Pacific Railway.

5285. Cartage charges at Ottawa, Ont., on shipments arriving on the Grand Trunk Railway.

5286. Grand Trunk Railway Company's Supplement No. 260, to Tariff C.D. 65, C.R.C. E. 2552, which increases the minimum carload weight on stone.

5287. Delay in transit to shipments of hogs from Wilcox and Milestone stations, Sask., on the Canadian Pacific Railway.

5288. The Canadian Northern Railway Company proposed closing of Howell station, Sask.

5289. The Canadian Northern Railway Company discontinuing the running of trains numbered 21 and 22 between Winnipeg, Man., and Fort Francis, Man.

5290. Unsatisfactory train service on the Grand Trunk Railway at Kerrwood, Ont.

5291. The Canadian Pacific Railway Company proposed removal of station agent from Elmstead station, Ont.

## SESSIONAL PAPER No. 20c

5292. The Canadian Northern Railway Company's trains continually blocking surveyed trail to Lac Ste. Anne, Alta.
5293. Reduction of train service on the Stratford Division of the Grand Trunk Railway.
5294. The Canadian Northern Railway Company not granting compensation for a steer killed on their right of way through lack of effective cattleguards in the vicinity of Big Valley, Alta.
5295. Faulty condition of culvert on the line of the Canadian Pacific Railway at lot 17, concession 2, township of North Orillia, Ont.
5296. The Ontario Hydro-Electric Power Commission constructing power wire crossing the Canadian Pacific Railway tracks at mile 0.62, St. Mary's Subdivision, without regard to the order of the board with respect to wire crossings.
5297. Diversion of St. Patrick street, Lasalle, Que., by the Canadian Pacific Railway Company in connection with their construction work on the Lachine canal bridge.
5298. Delay in the transportation of shipments from Jonquière, Que., to points in the West on account of improper routing given such shipments.
5299. Refusal of the Canadian Pacific Railway Company to grant commutation rates to lady student attending school at New Westminster, B.C., covering transportation between Essondale, B.C., and New Westminster, B.C.
5300. The Michigan Central Railway Company routing shipments on corn between Essex, Ont., and Listowel, Ont., in such a manner as to make the freight rate comparatively high for the shipper.
5301. Excessive freight rates quoted on a shipment of household effects sent from Grenville, P.Q., to Colorado, U.S.A., routed via the Canadian Pacific Railway.
5302. The Great Northern Railway refusing to reimburse complainant for case of oil and bag of rolled oats lost in transit to Otter, B.C.
5303. Refusal of the Grand Trunk Pacific Railway Company to settle for cattle killed on their right of way at Three Hills, Alta., although cattleguards had been removed from crossing at that point.
5304. The Canadian Pacific Railway Company removing station agent from Harrietsville station.
5305. The proposed closing of Brunkild station, Man., on the Canadian Northern Railway.
5306. Fire damage to wheat crop at Midale, Sask., caused from sparks from engines of the Canadian Northern Railway.
5307. Inability of complainant to secure large enough cars for shipments of grain from Crossfield, Alta.
5308. Mixed train service on the Canadian Pacific Railway between Winnipeg, Man., and Riverton, Man.
5309. The Canadian Pacific Railway Company proposed cancellation of tariff No. W. 3040 relative to grain shipments over the Canadian Pacific and Great Northern Railways to points in British Columbia.
5310. Train service furnished by the Canadian Northern Railway to patrons in the vicinity of Marchand, Man.
5311. Refusal of the Canadian Express Company to settle claim for damage to bees shipped from Glenwood, Mich., U.S.A., to Markham, Ont.
5312. The Canadian Pacific Railway Company's freight rates on desiccated vegetables.
5313. Condition of crossings in the municipality of Langley, B.C., on the line of the Vancouver, Victoria and Eastern Railway and Navigation Company.
5314. Freight and storage charges on a bale of tobacco shipped from Granby, Que., to Glenton, and later returned to point of shipping on the Central Vermont Railway.



5315. Notice of hearing not being sent to interested party in Toronto, Ont., in connection with a case heard before the board.
5316. The Canadian Northern Railway Company's proposed removal of station agent from Sleeman station, Ont.
5317. The Canadian Northern Railway Company's proposed removal of station agent from St. Laurent Station, Man.
5318. Refusal of the Toronto Eastern Railway Company to construct a culvert to carry off surface water from a main at Bowmanville, Ont.
5319. Proposed removal of station agent from Lavoy Station, Alta., on the line of the Canadian Northern Railway.
5320. Proposed removal of station agent from Waseca Station, Sask., on the Canadian Northern Railway.
5321. Conduct of a conductor in the employ of the Canadian Northern Railway running a train in the vicinity of McNutt, Sask.
5322. Charges made by the Boston and Maine Railway Company for wire crossings constructed over their right of way by the Sherbrooke Railway and Power Company.
5323. Refusal of the Edmonton, Dunvegan and British Columbia Railway Company to make settlement for horse killed on their right of way.
5324. The Grand Trunk Pacific Railway Company removing cattle guards at crossings on their railway in the vicinity of Stony Beach, Sask.
5325. Removal of station agent from station at Jeanette, Ont., on the Grand Trunk Railway.
5326. The Canadian Northern Railway Company proposed removal of station agent from Norquay Station, Sask.
5327. Unsafe condition of a number of locomotives running out of Ottawa on the Canadian Pacific Railway.
5328. Increase in freight rates on mill feed from Lethbridge, Alta., to Fruitvale, B.C., over the Canadian Pacific and Great Northern Railways.
5329. The Canadian Northern Railway Company's train service between Winnipeg, Man., and Gypsumville, Man.
5330. Condition of road leading into Harrogate Station, B.C., on the Canadian Pacific Railway.
5331. The Canadian Northern Railway Company's proposed removal of station agent from Warren, Man.
5332. Refusal of the Great Northern Railway Company to restore planks in crossing at ranch lot 2027, Similkameen division, Yale district, B.C.
5333. Excessive storage charges on safes at Hamilton, Ont., as compared with charges on lighter but more bulky goods.
5334. Proposed Supplement No. 1 to Canadian Pacific Railway's Tariff C.R.C. E. 2847 which cancels the rates from a number of points on the Canadian Pacific railway to Mechanicsville, N.Y., via the Boston and Maine railroad.
5335. Fire damage to a wheat crop caused by fire from a Canadian Northern engine near Bethune, Sask.
5336. Excessive tolls charged for code messages on the Canadian Pacific and Great North Western Telegraph lines.
5337. The Canadian Pacific Railway Company permitting the operation of engine No. 3091 without being equipped with an ash pan that can be dumped without the necessity of employees going under the engine for that purpose.
5338. Dangerous crossing of the Great Northern Railway over Front Street near the intersection of Columbia Street, New Westminster, B.C.
5339. The Canadian Pacific, Grand Trunk and Canadian Northern Railway Companies' proposed tariffs which state that rates named on vegetables will apply only when shipments are loaded in box cars and that when refrigerator cars are used rates will be on the classification basis, i.e., the 8th class.

## SESSIONAL PAPER No. 20c

5340. The Canadian Pacific Railway Company refusing to run any more cars into the lumber siding at Souris, Man.
5341. Condition of certain drainage works across the right of way of the Canadian Pacific Railway between sections 30 and 31, township 14, range 2 east and also at Stony Mountain in the rural municipality of Rockwood, Man.
5342. The Bell Telephone Company's proposed removal of telephones from farmers in the vicinity of Winchester, Ont.
5343. Refusal of the Canadian Northern Railway Company to allow complainant to remove baggage from their possession at Saskatoon, Sask., until he had settled a hospital bill for services rendered his son who was held at Quebec, Que., on order of the immigration officials until his burned foot had been attended to.
5344. Refusal of the Canadian Pacific Railway Company to establish a special winter freight rate on rough unpeeled pulpwood.
5345. The Canadian Pacific Railway Company having no through rate covering shipments of apples from points in Ontario to Portland, Me., U.S.A., for export.
5346. Demurrage charges on a car of oats shipped from Lashburn, Sask., to Anerley, Sask., but billed in error to Conquest, Sask., on the Canadian Northern Railway.
5347. Refusal of the Edmonton, Dunvegan and British Columbia Railway Company to make settlement for damage to his property in the northeast quarter of section 1, township 53, range 27, west of the fourth meridian.
5348. The Canadian Pacific Railway Company cancelling tariff No. 3040 covering grain shipments over the Canadian Pacific Railway Company to points in British Columbia on the Great Northern Railway.
5349. Refusal of the Grand Trunk Railway Company to consider a claim for expense and inconvenience caused complainant's wife on account of poor train connections while travelling between Gravenhurst, Ont. and Coldwater, Ont.
5350. Alleged excessive rates charged on a car of lumber shipped from Parry Sound, Ont. over the Canadian Pacific Railway to York Station, Ont. which is a station on the Grand Trunk Railway.
5351. Alleged excessive charges of the Dominion and American Express Companies on a racing sulky shipped from Inkerman to Ottawa, Ont. via Finch, Ont.
5352. Refusal of the British Columbia Electric Railway Company to handle cars destined ex points on the Great Northern or Northern Pacific Railway making it impossible for complainants to get equipment to load at their mill at Eburne, B.C. other than that of the Canadian Pacific Railway.
5353. Excessive freight charges on a car of coal shipped from Ogdensburg, N.Y. to Newboro, Ont., via ferry at Prescott, Ont., and the Grand Trunk and Brockville, Westport and Northwestern railways.
5354. The Canadian Northern Railway Company employing an engine hostler at Ottawa, Ont. who has not passed the required examinations.
5355. Removing of planking at farm crossings in the vicinity of Swift Current, Sask., on the Canadian Pacific Railway.
5356. Unsatisfactory manner in which the Canadian Northern Railway Company are handling their trains between Trenton, Ont. and Belleville, Ont.
5357. Unsatisfactory train connections for travellers coming from both southern Manitoba and Saskatchewan to points on the Canadian Pacific Railway between Brandon and Winnipeg, Man.
5358. Refusal of the Grand Trunk Pacific Railway Company to settle claim for baggage lost in transit to Spruce Bluff, Sask.
5359. Fire damage to property at Cedoux, Sask., on the Grand Trunk Pacific Railway on account of lack of fire guards.
5360. Proposed increase in freight rates on pulpwood on the Quebec Central Railway.

5361. Train service on the Edmonton-Athabaska extension of the Canadian Northern Railway.

5362. Refusal of the Canadian Northern Railway Company to place cars on a siding at Regina, Sask. until demurrage charges which accrued on previous cars had been paid.

5363. Removal of planking at farm crossing at Napanee, Ont., by employees of the Canadian Northern Railway Company.

5364. Train service on the Montreal and Southern Counties Railway.

5365. Refusal of conductor on the Niagara, St. Catharines and Toronto Railway to accept ticket good for passage between St. Catharines and Port Weller, Ont., claiming that the complainant was on the wrong train.

5366. Condition of fences on the right of way of the Grand Trunk Railway Company in the township of South Algoma, Ont.

5367. Refusal of the Grand Trunk Railway Company to make a refund of an alleged unjust charge in connection with passenger fare from Hamilton to New York, N.Y., and return.

5368. Unsatisfactory train and mail service furnished by the Canadian Northern Railway Company at Glenora, Man.

5369. Unsafe condition of locomotives on the Grand Trunk Railway out of Allandale, Ont.

5370. Alleged excessive freight rate on shipments of apples (boxed) from Grimsby, Ont., to Glasgow, Scotland.

5371. Condition of fencing on the Canadian Northern Railway in Hinson, Alta.

5372. Refusal of the Canadian Northern Railway Company to settle claim for non delivery of goods shipped from Montreal, P.Q., to Morinville, Alta.

5373. Freight rates on shipments of potatoes from points in New Brunswick to Belleville, Ont., over the Canadian Pacific and Grand Trunk railways.

5374. Alleged excessive telephone rate charged for a residence telephone installed in residence at Lawrence Park within the limits of the city of Toronto, Ont.

5375. Employees of the Great North Western Telegraph Company reporting news for information of newspapers and other publishers.

5376. Train and mail service of the Pere Marquette Railway Company at Wallaceburg, Ont.

5377. Change in train and mail service of the Pere Marquette Railway.

5378. Refusal of the Grand Trunk Railway Company to supply single car equipment for the loading of forty foot poles and piling at Toronto, Ont., thus compelling complainants to load this class of material on two cars charging higher freight rate.

5379. Inadequate Sunday train service on the Michigan Central Railway at Windham, Ont.

5380. The Haba Bay Railway Company proposed breaking off of train connection with the Quebec and Lake St. John Railway trains at Haba Bay Junction, P.Q.

5381. Train service of the Grand Trunk Railway Company to and from Milverton, Ont.

5382. Improper drainage resulting in damage to property along the Canadian Pacific Railway Company's right of way at Welsford, N.B.

5383. Alleged excessive freight charges on a shipment of sleighs from Ottawa, Ont. to Westmeath, Ont.

5384. The National Transcontinental Railway Company discontinuing the use of transfer track with the Canadian Pacific Railway at Wapske, N.B.

5385. Proposed closing of Grasshill Station, Ont., on the Canadian Pacific Railway.

5386. The Canadian Northern Railway Company not fencing their right-of-way on their Hudson Bay Branch near Canora, Sask.

5387. The Canadian Pacific Railway Company cancelling an evening train running from St. Jerome to Montreal, Que.



## SESSIONAL PAPER No. 20c

5388. Demurrage charges assessed on a car of coal, the Canadian Pacific Railway Company stating delay occurred and demurrage accrued waiting release by the customs.

5389. Proposed closing of Brechin Station, Ont., on the Canadian Pacific Railway, Georgian Bay and Seaboard Division.

5390. Proposed location of station on the Edmonton, Dunvegan and British Columbia Railway at Eunice, Alta.

5391. The Canadian Pacific Railway Company's agent at North Portal, Sask., advising complainants that the services of a customs broker are required to clear shipments of grain going to the United States.

5392. The Canadian Pacific Railway Company refusing to settle for flour damaged in their sheds at Rutter, Ont.

5393. The Canada and Gulf Terminal Railway not settling a claim for overcharges on shipments of coal.

5394. The Canadian Pacific Railway Company not granting refund on unused portions of ticket covering passage, Vancouver to Toronto, Ont. and return.

5395. Freight overcharges on settlers' effects shipped over the Canadian Pacific Railway Company's line from North Portal to Saskatoon, Sask.

5396. Refusal of the Great Northern Railway Company to settle a claim for freight damaged at Fruitvale, B.C. on account of doors being left open at the station.

5397. Proposed changes in train service on the Grand Trunk Railway out of London, Ont.

5398. Freight rates on brick from Ascot, Que., to Newport, Vt., over the lines of the Quebec Central and Boston and Maine railway lines.

5399. The Canadian Northern Railway Company delaying the settlement of a claim for overcharge on a shipment of shoes from Montreal, Que., to Vermilion, Alta.

5400. The Great Northern Railway Company changing their train and mail service through Similkameen, B.C.

5401. Condition of ditches constructed to drain the right of way of the Canadian Pacific Railway through the municipality of St. Paul, Man.

5402. The Canadian Pacific Railway Company proposal to close Godfrey Station in the township of Hinchinbrooke, Ont.

5403. Proposed closing of Lavant Station, Ont., on the Canadian Pacific Railway.

5404. Proposed closing of Blackfalds Station, Alberta, by Canadian Pacific Railway Company.

5405. Removal of agent and closing of station at Snow Road in the township of Palmerston, Ont.

5406. Dangerous conditions of highway crossing over the Grand Trunk Railway between lots 9 and 10, concession 4, township of Hawkesbury, Ont.

5407. The Canadian Pacific Railway Company's five per cent increase in freight rates covering shipments going into the United States.

5408. Grand Trunk Railway Company's freight rate on clay from Junction Cut on the outskirts of Hamilton, Ont., into the City of Hamilton, Ont.

5409. Refusal of the Grand Trunk Railway Company to settle a claim for coal lost while in transit to Ottawa, Ont.

5410. Unsatisfactory train service of the Bedlington and Nelson Railway between Port Hill, Ida and Wynndel, B.C.

5411. Refusal of the Canadian Pacific Railway Company to settle a claim for loss in a shipment of pictures and frames from Boston, Mass., to Kingston, Ont.

5412. Refusal of the Canadian Pacific Railway Company to allow complainants the privilege of inspecting shipments of desiccated vegetables at Belleville, Ont., while shipment was en route from Casnovia and Mayville, Mich., to West St. John.

5413. Highway crossing over the Grand Trunk Pacific Railway at Stony Beach, Sask., being defective on account of the planking being too low between the rails.

5414. Station accommodation and train service of the Canadian Pacific Railway at Norwood, Ont.

5415. Express rates on live lobsters between Weymouth, N.S., and Montreal, P.Q., handled by the Dominion Express Company.

5416. The Bell Telephone Company at Quebec, Que., increasing the rate for a desk telephone in a private residence.

5417. The Brockville, Westport and Northwestern Railway Company removing siding from their line of railway near the Lyn road, a point about two miles from Brockville, Ont.

5418. The Grand Trunk Railway Company's agent at Burford, Ont., holding a car of freight addressed to complainant until an alleged unjust charge for car rental should be collected.

5419. Proposed changes in train and mail service on the Central Ontario branch of the Canadian Northern Ontario Railway at Maynooth, Ont.

5420. The proposed closing of Harrison Mills Station, B.C., by the Canadian Pacific Railway Company.

5421. Proposed supplement No. 24 to Tariff E. 2080, C.R.C. No. E. 2480 which increases the freight rates on grain products from Fort William, Ont., to points in Ontario, Quebec and the Maritime Provinces.

5422. Delay of the Canadian Northern Railway Company in picking up three cars of stock loaded at Bruno, Sask., thereby causing a loss by shrinkage.

5423. Train service furnished by the Canadian Pacific Railway Company, on its Moosejaw-Portal section at Ralph, Sask.

5424. Unsatisfactory train service on the Halifax and Southwestern Railway between Caledonia and Lunenburg, N.S., and the removal of a number of station agents by that company.

5425. Unsatisfactory treatment received from the Grand Trunk Pacific Railway Company in the matter of compensation for land for waste purposes at Three Hill, Alta.

5426. The Quebec Oriental Railway Company placing obstructions and causing a nuisance to the public at highway crossing at Maria, P.Q.

5427. Changes in train service on the Toronto to North Bay branch of the Grand Trunk Railway.

5428. Cancellation of trains Nos. 41 and 44 operating between Huntsville and North Bay, Ont., on the Grand Trunk Railway.

5429. Alleged unjust dismissal of an employee of the Canadian Pacific Railway Company from diamond crossing with the Kingston and Pembroke Railway at Sherbot Lake, Ont.

5430. Freight classification given by the Canadian Pacific Railway Company on "screen plates."

5431. Unsatisfactory train service on the Canadian Northern Railway running through Newburg and Camden East, Ont.

5432. Alleged unjust charges made by the Grand Trunk Railway Company for services of the Great North Western Telegraph linemen and sectionmen in assisting to move a barn across their tracks at Beamsville, Ont.

5433. Freight charges on frozen fish shipped from Gypsumville, Man., to Jansen, Sask., over the lines of the Canadian Northern and Canadian Pacific Railways.

5434. The Canadian Pacific Railway Company closing Oso station, Ont., without giving any notice to the municipality.

5435. The Canadian Pacific Railway Company reducing its train service on its Crowsnest branch.

5436. Alleged excessive freight rates charged by the Grand Trunk Pacific Railway Company from a point in Alberta to Prince Rupert, B.C., as compared with rates on similar shipments from Vancouver Island, B.C., to Prince Rupert, B.C.

## SESSIONAL PAPER No. 20c

5437. Unsatisfactory train and mail service furnished at Picton, Ont., by the Canadian Northern Railway Company.

5438. Bell Telephone Company's rates in the vicinity of Lindsay, Ont., as compared with rates covering a like service at Oshawa, Ont.

5439. Refusal of the Edmonton, Dunvegan and British Columbia Railway Company to entertain a claim for suit case lost in transit from Edmonton, Alta., to Eunice, Alta.

5440. Freight classification on green wood. The weight of green wood being such as to cause a very high freight rate as compared with the rate on dry wood.

5441. Sectionmen in the West being laid off from duty and one section gang having a number of sections to maintain in repair.

5442. Wet condition of station grounds and vicinity at Ste. Anne, Man., on account of the overflowing of well and water tank belonging to the Canadian Northern Railway Company.

5443. The issuance of Canadian Pacific Railway tariff E. 2564 C.R.C. 2930, and Grand Trunk Pacific Railway tariff C.G. 83, C.R.C. No. E 3080 which propose certain increases on grain and grain products to points in the Maritime Provinces.

5444. Switching charges of the British Columbia Electric Railway and the Canadian Pacific Railway at Vancouver, B.C., over tracks owned by the Canadian Pacific Railway, but leased to the British Columbia Electric Railway Company.

5445. Freight rates on farm and dairy produce into Winnipeg, Man., over the Canadian Pacific Railway lines.

5446. Freight rates on macaroni from Lethbridge, Alta., to points in Eastern Canada.

5447. Lack of fencing along the right of way of the Parksville to Alberni branch of the Esquimalt and Nanaimo Railway on Vancouver Island, B.C.

5448. The Canadian Northern Railway Company not publishing a through rate on paper from Jonquière, P.Q., to points in the United States.

5449. Refusal of the Canadian Pacific Railway Company to entertain claim for potatoes frozen in transit from Spring Hill, P.Q., to Montreal, Que., although they refused to furnish a heated car for the shipment in question.

5450. Alleged inadequacy of service of the Canadian Pacific Railway Company's train from Toronto, Ont., to Hamilton, Ont., leaving the former point at 1.15 p.m.

5451. Refusal of the Canadian Pacific Railway Company to settle a claim for damage to a shipment of oats through heating while delayed in the Canadian Pacific Railway Company's yards at Fort William, Ont.

5452. The Canadian Pacific Railway Company charging the complainant for a 30,000 pound minimum 41 feet 6-inch car for a shipment of structural steel at Vancouver, B.C., although a 40-foot car was ordered and was as large a car as required.

5453. Alleged exorbitant freight rates charged by the Edmonton, Dunvegan and British Columbia Railway Company from Edmonton, Alta., to Swan River, Alta.

5454. The practice of engines being coupled to cabooses when assisting heavy trains over the hill east from Moosejaw, Sask., on the Canadian Pacific Railway.

5455. Removal of agent from station at Camden East, Ont., on the Canadian Northern Ontario Railway.

5456. The Canadian Northern Ontario Railway removing station agent from Newburgh Station, Ont.

5457. Freight rate on phosphate ore from points in the province of Quebec to destination in the United States.

5458. Lack of a proper shelter at Brookbury Siding, Que., on the Maine Central Railroad.

5459. The Canadian Pacific Railway Company removing agent from New Dayton Station, Man.



5460. Bus drivers, porters, and train runners of certain hotels in Winnipeg, Man., being afforded privileges at the Union Depot and Canadian Pacific Railway Company's station which are denied employees of other hotels.

5461. Refusal of the Grand Trunk Railway Company to entertain claim for lumber supplied by the complainants at Toronto, Ont., for the construction of car doors containing shipments of lime.

5462. Unprotected condition of a ditch constructed by the Campbellford, Lake Ontario and Western Railway Company along county road between concessions 2 and 3, township of Tyendinaga, Ont.

5463. Freight rates on granite and marble from St. George, N.B., to points in the west.

5464. The Canadian Pacific Railway Company losing baggage in transit to Hardisty, Alta., and then charging complainant for forwarding same to him from Calgary, Alta., where it was located.

5465. Unsatisfactory time limit allowed by the Canadian Pacific Railway Company on live stock shippers' return tickets.

5466. Condition of flag station at Middleport, Ont., on the Buffalo and Goderich division of the Grand Trunk Railway Company.

5467. Refusal of the Canadian Pacific Railway Company to pay transportation expenses incurred by complainant on account of failure of train to stop, when signalled, at Rosedale, Ont.

5468. Failure of the Canadian Pacific Railway Company to supply cars for the shipment of pulpwood and box wood from Clyde Forks, Ont.

5469. Freight rate on a car of corn shipped from Seattle, Wash., to Keremeos, B.C., over the Great Northern Railway.

5470. Inability to obtain settlement for services rendered ploughing fireguards between Rumsey and Morrin, Alta., on the Canadian Northern Railway.

5471. Refusal of the Great Northern Railway Company to make allowance of five hundred pounds per car on shipments of shingle at Salmo, B.C., to points in Ontario as specified in Great Northern Tariff 21757.

5472. Refusal of the Canadian Northern Railway Company to make settlement for a horse killed near Cardale, Man., where the railway company had dug deep holes on complainant's property and the horse wandered into one.

5473. Lack of proper drainage along the right of way of the Canadian Northern Railway Company in section 33, township 14, range 21, west of the principal meridian.

5474. The Canadian Pacific Railway Company failing to compensate complainant for property expropriated in the northwest quarter of section 31, township 20, range 9, west of the fourth meridian which they required for the construction of a "Y."

5475. The Canadian Pacific Railway Company's supplement No. 44 to W. 2866 which provides for an increase in rates from High River, Alta., to points on the Wilkie subdivision in the province of Saskatchewan.

5476. Unsatisfactory train service provided at Empress, Alta., on the Canadian Pacific Railway.

5477. The Canadian Pacific Railway Company's change of train service between Hardisty, Alta., and Wilkie, Sask.

5478. Unsatisfactory treatment received from the Grand Trunk Railway Company in connection with fire damage to property near Harriston, Ont.

5479. Locomotives of the Canadian Pacific Railway Company running out of Souris, Man., without being equipped with proper ash pans as required by the Board.

5480. Dangerous condition of public crossing over the Canadian Pacific Railway at Main Road between Spring Hill and Milan Village, Que.

5481. Unsatisfactory service of the Pere Marquette Railway Company on their line running through Corunna, Ont.

## SESSIONAL PAPER No. 20c

5482. Failure of railway companies in Canada to equip locomotives with safe and adequate facilities for reaching the headlamp when it is necessary to light or give other attention to this part of the locomotive.

5483. Insufficient lighting and lack of proper walks at Vulcan Station, Alta., on the line of the Canadian Pacific Railway Company.

5484. Condition of platform at Methven Station, on the Souris Branch of the Canadian Pacific Railway Company.

5485. The Canadian Pacific Railway Company's proposed increase in freight rate on brick from Balmoral to Winnipeg, and St. Boniface, Man.

5486. Refusal of the Grand Trunk Pacific Railway Company to pay complainant for constructing wharf on water lot No. 5 Prince Rupert Water Front, Prince Rupert, B.C.

5487. Freight rates on pulp and paper from Jonquière, P.Q., to Boston, Mass., U.S.A.

5488. Freight charges on a shipment of household goods from Picton, Ont., to Collingwood, Ont., over the Canadian Northern Railway Company's line.

5489. Train service of the Canadian Pacific Railway Company at St. Hughes, Que.

5490. Storage charges as shewn in the Canadian Pacific Railway Company's tariff No. W. 3296.

5491. Refusal of express companies to entertain any claims for damages to filaments of large metallic filament lamps when shipped under their care.

5492. The Canadian Pacific Railway Company issuing a notice that stock shippers must ship stock on specified days.

5493. The Grand Trunk Pacific Railway Company refusing to settle a claim for goods lost in transit.

5494. Alleged excessive freight rate charged on a car of lumber shipped from Lavant Station, Ont., to Westport, Ont., over the Canadian Pacific and Canadian Northern Railways.

5495. Switching charges on a car of brick shipped from Hamilton, Ont., to Tavistock, Ont., over the lines of the Toronto, Hamilton and Buffalo Railway and the Grand Trunk Railway Companies.

5496. The Canadian Pacific Railway Company charging excessive freight rates on a shipment of household effects from Liberty, Sask., to Bideford, Alta.

5497. The Halifax and Southwestern Railway Company raising rates on cream shipments.

5498. The Canadian Northern Railway Company not routing shipments, originating at Portage La Prairie, Man., and destined to points in the United States, as requested by the shippers.

5499. Refusal of the Canadian Northern Railway Company to make compensation for heifer killed on their right of way near Calgary, Alta., although the cattle guards at the point of accident were defective.

5500. Alleged excessive telephone rates charged subscribers of the Kerr Telephone Association for the telephone messages transmitted by the Bell Telephone Company between Foresters Falls and Cobden, Ont.

5501. The excessive duties of the Canadian Pacific Railway Company's station agent of St. Simon Que., and the alleged unfair treatment he is receiving from the company.

5502. Freight rates on pulpwood on the Temiscouata Railway Company's line.

5503. Alleged excessive freight rate on malleable iron castings in carload lots from Oshawa, Ont., to Fergus, Ont., over the Grand Trunk Railway Company's lines.

5504. The Hydro-Electric Power Commission constructing their power lines too close to telephone lines near Woodstock, Ont.

5505. Express rates on eggs from Smithville, Ont., to Toronto, Ont., as compared with the rates from Dunnville, Ont., to Toronto, Ont., the former route being handled by the American Express Company and the latter by the Canadian Express Company.

5506. The Canadian Northern Railway Company refusing to settle claim for horses killed on their line of railway near Munson, Alta., at points where their right of way fences are defective.

5507. Alleged discrimination shown by the Canadian Pacific Railway Company in the matter of freight rates between Winnipeg, Man., to Elkhorn, Man., and Winnipeg, Man., to Two Creeks, Man.

5508. Delay of the Canadian Northern Quebec Railway Company in handling live stock destined to the Quebec Provincial Fair at Quebec, Que.

5509. Refusal of the Canadian Pacific Railway Company to grant a refund on unused portion of ten trip tickets covering transportation between Montreal and St. Eustache, Que.

5510. Freight charges on a shipment of dried fruit from Fowler, California, to Bethune, Sask., the Canadian Pacific Railway Company asking for additional charges after complainant had disposed of a portion of the fruit.

5511. The Dominion Construction Company, contractors for the Campbellford, Lake Ontario and Western Railway Company causing damage to property at lot 49, concession 9, township of Camden, Ont.

5512. Alleged overcharge for the switching of cars between the wharves of Quebec Harbour and the Exhibition Grounds at Quebec, Que., by the Canadian Northern Quebec Railway Company.

5513. The practice of railway companies asking for additional freight charges that have already been delivered, paid for, and in some cases disposed of before this extra charge is assessed.

5514. Switching charges assessed by the Canadian Pacific Railway Company for switching service between Three Rivers, Que., to Wayagamak, Que.

5515. Refusal of the Canadian Pacific Railway Company to make settlement for goods lost in transit between Gladstone, Man., and Gull Lake, Sask., on the grounds that complainant signed a release and secured a low rate of freight.

5516. The Canadian Pacific Railway Company's change in train service at Tilbury, Ont.

5517. Freight rate on steel out of Moosejaw, Sask.

5518. The Grand Trunk Pacific Railway Company refusing to settle claim for horse killed on their right of way near Hulby, Alta., although they had no cattle guards at public crossing where the horse entered upon the track.

5519. No express service at Athens, Ont., on the Canadian Northern Railway.

5520. Alleged excessive freight rates charged by the Kent Northern Railway Company at Rexton, N.B.

5521. Treatment an inventor received at the hands of different railway companies in connection with his patent car coupler.

5522. Refusal of the Dominion Express Company to make a settlement for goods lost when put off at flag station at Mitford, Alta., where there is no caretaker or agent in charge.

5523. Proposed increase in freight rates on the Kent Northern Railway Company's line.

5524. The Canadian Pacific Railway Company for an alleged breach of the Canada Grain Act and bill of lading conditions in connection with a claim for grain short in transit between elevators in Fort William, Ont.

5525. Rates charged by the Dominion Express Company on bundles of newspapers shipped to agents along the Pere Marquette Railway to points between Walkerville and St. Thomas, Ont.



## SESSIONAL PAPER No. 20c

5526. The Canadian Pacific Railway Company employing only one man to watch twelve miles of its tracks in the County of Two Mountains, Que.

5527. Refusal of the Grand Trunk Railway Company to settle claim for horse injured on account of planking at Maitland Street crossing, Goderich, Ont., being removed.

5528. Freight rates on bog ore or natural oxide from Three Rivers, Que., to Toronto, Ont., over the Canadian Pacific Railway.

5529. Unsatisfactory service of the Adelaide Telephone System at Kerrwood, Ont.

5530. Alleged excessive freight rate on macaroni.

5531. Refusal of the Grand Trunk Pacific Railway Company to settle claim for oats lost in transit from Smithers to Houston, B.C.

5532. Freight rate charged on a shipment of settlers' effects handled from Hatzic, B.C., to Scott, Sask., over the lines of the Canadian Pacific and Grand Trunk Pacific Railway companies.

5533. The practice of the Canadian Pacific Railway Company in using steel and wooden coaches on the same train.

5534. The removal of station agent from Hemsford Station, N.S., on the Halifax and South Western Railway.

5535. The removal of station agent from Brookfield Mines, N.S., on the Halifax and South Western Railway.

5536. The Canadian Northern Railway Company for refusing to accept telegrams at their station in the village of Enterprise, Ont.

5537. Refusal of the Temagami Steamboat and Hotel Company, Ltd., to make refund for unused portion of round trip tickets.

5538. Freight rate on car of settlers' effects from Killam to Nelson, B.C., over the Canadian Pacific Railway.

5539. The Prince Edward Island Telephone Company ordering subscribers on a rural line to disconnect their telephones in cases where the instruments had been purchased from the Canadian Independent Telephone Company of Toronto, Ont.

5540. Charges levied by the Grand Trunk Railway Company for excess baggage shipped from Omeme, Ont. to Edmonton, Alta.

5541. Reduction in train service on the Wolseley-Reston branch of the Canadian Pacific Railway Company.

5542. The Canadian Northern Railway Company's proposed closing of Osaca station, Ont., or changing the present name of it.

5543. Express rate charged on a shipment of poultry from New York, N.Y., to Vegreville, Alta.

5544. Alleged discrimination shown by the Grand Trunk Railway Company in the matter of assigning fruit stalls in the old Western Railway station, Yonge street, Toronto, Ont.

5545. Alleged discrimination shown in the matter of freight rates on oil stoves, heaters, etc., manufactured in Sarnia, Ont., as against shipments originating in the United States to the same destinations.

5546. The Galt, Preston and Hespeler Railway Company not paying for right of way at Galt, Ont.

5547. Excessive freight rates charged by the Canadian Pacific Railway Company on settlers' effects shipped from Tyndall to Armand, Man.

5548. Proposed advance in freight rates on brick from Cheltenham to Toronto, Ont.

5549. General freight rates of the Canadian Pacific Railway Company in the vicinity of Fernie, B.C.

5550. Refusal of the Canadian Pacific Railway Company to settle for damages alleged to have been caused by them to property in the south half of section 1, township 9, range 10, west of the third meridian.

5551. Dangerous condition of highway along the tracks of the Canadian Pacific Railway Company just west of mileage 2.1 from Kamloops, B.C.

5552. Proposed increase in freight rates on cooperage stock.

5553. Alleged excessive freight rates on bituminous coal in carloads from the Niagara Frontier to Cheltenham, Ont.

5554. Delay in transit to a shipment of stock from Sinclair, Man., to Lockwood, Sask., on the Canadian Pacific Railway.

5555. The Bell Telephone Company refusing to comply with the terms of an agreement entered into with a subscriber at Bright, Ont., in connection with the installation and operation of an instrument in his home.

5556. Freight rates on woodpulp in carloads from Sherbrooke, Que., and Bromptonville, Que., as compared with rates from Berlin, N.H., in the United States.

5557. The Grand Trunk Pacific Railway Company giving the wrong routing to a suit case shipped from Pocahontas to Edmonton, Alta., and eventually selling same when it was not called for.

5558. Refusal of the Canadian Pacific Railway Company to settle claim for cattle killed on their right of way although defective cattle guards were in use on their branch line from Mount Elgin to Port Burwell, Ont.

5559. The Bell Telephone Company refusing to install an instrument in a house at Aurora, Ont., unless subscriber pay portion of the cost for the poles to be erected to the house.

5560. Proposed increase in freight rates on newsprint paper.

5561. Proposed advance in freight rates on sulphur, in bulk.

5562. Proposed increase in freight rates on chemicals.

5563. Proposed increase in freight rates on clay.

5564. Proposed increase in freight rates on biscuits and confectionery.

5565. Proposed increase in freight rates on pottery.

5566. Proposed increase in freight rates on crushed stone, sand and gravel.

5567. Proposed increase in freight rates on canned goods.

5568. Proposed increase in freight rates on lumber.

5569. Proposed increase in freight rates on fruits.

5570. Proposed increase in freight rates on gin from Berthier, Que.

5571. Proposed increase in freight rates on iron and steel castings.

5572. Proposed increase in freight rates on coal and coke.

5573. Proposed increase in freight rates on western grain and mill stuffs shipped to eastern points.

5574. Refusal of the Canadian Pacific Railway Company to make a settlement of claim on a shipment made from Montreal, Que., to Vancouver, B.C., in the year 1909.

5575. Proposed closing of the Canadian Pacific Railway Company's station at Pointe au Chêne, P.Q.

5576. Present freight rate on shipments of hay from West Monkton to Cochrane, Ont.

5577. Proposed increase in freight rates on woodpulp, pulpwood, etc.

5578. Change in train service in the Thunderhill Branch of the Canadian Northern Railway Company in Saskatchewan.

5579. The Grand Trunk Pacific Railway Company discontinuing the operation of the Biggar-Battleford Branch.

5580. Proposed increase in freight rates on sugar from St. John, N.B., to points west of Montreal, Que.

5581. Proposed increase in freight rates on roofing material, wallboard and building papers.

5582. Lack of interswitching facilities between the Canadian Pacific and Grand Trunk Pacific Railway Companies at Wapske, N.B.

## SESSIONAL PAPER No. 20c

5583. The Canadian Pacific Railway Company proposal to cancel through rates on apples from Bay of Quinte ports via Brockville and Prescott to Montreal, Ottawa and Hull, P.Q.

5584. Condition of farm crossing at mileage 75.7, London subdivision of the Canadian Pacific Railway Company, near Drumbo, Ont.

5585. Hours of service and rates charged by the Bell Telephone Company at Eganville, Ont.

5586. Refusal of the Canadian Pacific Railway Company to entertain claim for furs lost in transit from Exeter, Ont., to Douglas, Man.

5587. Rates and classification of Epsom salts and Glaubers salt, packed in 200-pound bags.

5588. Freight rates charged on a shipment of oats from Russell, Ont., to Ottawa, Ont., by the Ottawa and New York Railway Company.

5589. Canadian Northern Railway Company's construction gang leaving large excavations on each side of the railway line at road allowance two miles north of the village of Leask, Sask.

5590. Damage to property on account of lack of culverts on the Prince Albert-Battleford line of the Canadian Northern Railway Company near Leask, Sask.

5591. Sectionmen of the Canadian Northern Railway Company removing plank-ing at crossings on the Prince Albert-Battleford line of the Canadian Northern Railway Company.

5592. The Canadian Pacific Railway Company constructing a crossing on complainant's land in section 4, township 23, range 27, west of the third meridian, so that the public now travel his property.

5593. Refusal of the Canadian Pacific Railway Company to pay for leakage on a shipment of oil sent from Calgary, Alta., to Frobisher, Sask.

5594. Freight and passenger rates in British Columbia as compared with rates in the United States.

5595. Unsatisfactory service stock shippers receive for the handling of stock from Red Deer, Alta., to Calgary, Alta.



## APPENDIX "B."

LIST OF APPLICATIONS HEARD AT PUBLIC SITTINGS OF THE BOARD  
FOR THE YEAR ENDING MARCH 31, 1915.

4780. Application of the corporation of the township of Edwardsburg, Ontario, to be relieved from participation in any portion of the cost of construction and maintenance of subway ordered by the board as per Order No. 18032, dated November 13, 1912, to be constructed where the G.T.R. tracks cross the road leading to Cardinal, Ontario. (File No. 9437-819.)

Order made amending Order No. 18032 by adding after the word "company" in the ninth line, the words "less  $\frac{1}{2}$  of such cost which is to be borne and paid by the village of Cardinal." See Order No. 21683.

4781. Application of the Toronto, Hamilton and Buffalo Railway Co., under section 178, for authority to expropriate certain lands in lot 8, con. 8, twp. of Pelham, Ont., said additional lands being required for traffic purposes, Canboro Road, township of Pelham, Ontario. (File No. 21620-13.)

Order made granting the application.

4782. Application of the Canadian Manufacturers' Association for a revision of section 3 of the Express Merchandise Receipt. (File No. 4214-390.)

Order made amending Merchandise Receipt as set out in board's Order No. 22973.

4783. The Canadian Pacific and the Grand Trunk Railway Companies will be required to show cause why the terms of the General Interswitching Order of the board should not be extended to the use of team tracks.

The board will also resume its inquiry into the local switching practices and charges, as set out in the Secretary's Circular No. 120 of July 30, 1913. (File No. 19801-70.)

See judgment of Chief Commissioner, dated April 8, 1914, Appendix "C."

4784. Application of the Cedar Rapids Manufacturing and Power Company, under section 178, for authority to expropriate for right-of-way for its transmission line, a part of lots 85 and 88 of a subdivision of lot 122, parish of St. Ignace du Coteau du Lac, P.Q., the property of Rev. Chanoine Dauth. (File No. 23677-48.)

Order made granting application.

4785. Application of the Cedar Rapids Manufacturing and Power Co., under section 178, for authority to expropriate for right-of-way for its transmission line a part of lot 7, concession 2, township of Cornwall, Ontario, the property of James Dingwall. (File No. 23677-53.)

Order made granting application.

4786. Application of the Cedar Rapids Manufacturing and Power Co., under section 178, for authority to expropriate for right-of-way for its transmission line a part of lot 31, concession 1, township of Lancaster, Ont., the property of D. Ross-Ross. (File No. 23677-59.)

Order made granting application.

4787. On a complaint from F. B. Mathys, of Montreal, P.Q., with respect to the minimum earload weight and variety of cars furnished for shipments, the railway companies to speak to the general question whether commodity tariffs carrying higher minimum earload weights than given in the Canadian Freight Classification should not be qualified so as to provide that when cars are loaded to their full space capacity are furnished the minima should be those of the classification, and "pro rata" for the excess. (File No. 19475-3.)

Matter stands pending consultation of the traffic officers of the railway companies with the Chief Traffic Officer of the Board.

## SESSIONAL PAPER No. 20c

4788. Complaint of the Ontario and Manitoba Flour Mills, Ltd., against the rates charged on grain milled at Sudbury and exported through the ports of New York, Philadelphia and Baltimore. (Adjourned hearing.) (File No. 1179-15.)

Judgment reserved.

4789. Complaint of the Canadian Lumbermen's Association against the proposed increase in local summer rates on lumber from Ottawa Valley points to Montreal, P.Q. (File No. 24195.)

See judgment of the Asst. Chief Commissioner, dated May 9, 1914, Appendix "C."

4790. Complaint of the Canadian Lumbermen's Association against the proposed increased rates on lumber to Montreal for export contained in the G.T.R. Supplement No. 51 to C.R.C. No. E-2318, C.P.R., Tariff C.R.C. No. E-2779, effective May 4, 1914, and C.N.R. Tariff C.R.C. No. E-419, effective May 6, 1914, suspended by Order No. 21621, dated April 9, 1914. (File No. 24195.)

See judgment of the Asst. Chief Commissioner, dated May 9, 1914, Appendix "C."

4791. Railway Companies will be required to justify the removal of the Essex Terminal Railway Company as a participating carrier in tariffs and supplements applicable to international traffic. (File No. 24129.)

Order made disallowing the tariffs and supplements in question. See judgment of the Chief Commissioner, dated May 4, 1914. Appendix "C."

4792. Application of Mrs. Kate Massiah for commutation rates between Lachute and Montreal also for improvement in the train service between the same points. (File No. 23865.)

Order made dismissing the complaint. See Order No. 21889.

4793. Application of the C.P.R. Co., to Board for authority to take, without the consent of the owner, part of lot Cadastral No. 256 in the parish of St. Martin in the county of Labelle, in the province of Quebec, owned by E. Labelle.

Order made granting the application.

4794. Application of the city of Berlin, Ontario, under Section 279, for an Order restraining the Grand Trunk Railway Company from interfering with and obstructing public traffic on King Street West in the city of Berlin by reason of the shunting of its cars over the said street; also for an Order directing the said Company to remove its shunting and freight yard from its present position across the said street to some other locality. (File No. 23411.)

Referred to Board's Chief Engineer and Chief Operating Officer to take up the matter in question with the engineers of the city of Berlin and the Grand Trunk Railway Co.

4795. Consideration of the matter of grade elimination at the crossing of the Grand Trunk Railway Company at King Street, Berlin, Ontario. (File No. 23411.)

Referred to Board's Chief Engineer and Chief Operating Officer to take up the matter in question with the engineers of the city of Berlin and the Grand Trunk Railway Co.

4796. Consideration of the matter of grade separation at the crossings of the Grand Trunk Railway Company at Ahrens, Webber, Edward and Waterloo streets, in the town of Berlin, Ontario. (File No. 9437.20.)

Referred to Board's Chief Engineer and Chief Operating Officer to take up the matter in question with the engineers of the city of Berlin and the Grand Trunk Railway Co.

4797. Complaint of the St. Mary's Horse Shoe Quarry, of St. Mary's Ont., against the alleged refusal of the Grand Trunk Railway Company to operate on their siding unless the Quarry Company pay for repairs made to such siding before the G.T.P. had any agreement with the Quarry Company. (File No. 24228.)

See judgment of Commissioner A. S. Goodeve, dated May 22, 1914. Appendix "C."

4798. Application of the T.H. & B. Ry. Company, under Sections 227, 238 and 239, for authority to divert highway between Concessions 5 and 6, lot 22, twp. of Gainsboro, Ontario, and to expropriate certain parcel of land connecting said highway with the highway between lots Nos. 21 and 22, concession 5, township of Gainsboro, Ontario. (File No. 23855.)

Order made granting the application subject to conditions set forth in the Order. See Order No. 21766.

4799. Consideration of the onus of providing an extension of the transfer facilities between the G.T.R. and Hamilton Radial Electric Railway Company at Burlington, Ont., on complaint of P. C. Patriarche of Burlington. (File 9611. Case 4666.)

See judgment of Chief Commissioner, dated May 23, 1914. Appendix "C."

4800. Application of the Hamilton Radial Electric Railway Company for an Order directing the corporation of the city of Hamilton, Ont., to make provision for drainage water caused by the filling in of Sherman Inlet and the construction of an extension of Birch Avenue from its northerly terminus to Gilkinson Street and for damages already caused. (File 17347.1.)

Judgment reserved.

4801. Application of the Grand Gypsum Ltd., of Hamilton, Ont., for an Order directing the G.T.R. to construct a siding from its railway to the applicants' lands situate in the twp. of North Cayuga, Ont., being composed of the south half of lots 15, con. 1, north of the Talbot Road in said twp. of North Cayuga, excepting thereout that portion of the said lands conveyed to the G.T.R. Company; also complaint of the Grand Gypsum Ltd., that the G.T.R. have not complied with the Order of the Board No. 2412, dated November 14, 1911, authorizing the construction of this spur within two months from the date of the said Order. (File No. 22370.11.)

Board directed Railway Co. to put in stakes by the 30th April, the applicants to do the grading within two weeks and the steel to be put in by the Railway Co. within two weeks thereafter. Judgment reserved as to the apportionment of cost.

4802. Application of the G.T.R. under sections 29 and 176 for order rescinding Order No. 17562 authorizing the T.H. & B. Railway Company to construct a spur for the National Steel Car Company or in the alternative for an order authorizing the G.T.R. Co. to use and enjoy the branch line authorized by said order and have the same interests and rights therein and thereon as the G.T.R. Co. has upon jointly-owned spur, the construction of which was authorized by order No. 15294 with which the spur authorized by Order No. 17562 connects. (File No. 20519.)

Order made authorizing the applicant company to use and occupy the said branch line authorized to be constructed by the T.H. & B. Co., to the lands of the National Steel Car Co. If parties fail to agree on compensation the same will be fixed by the board. Order No. 17562 partially cancelled. See Order 21899.

4803. Application of the Hamilton Street Railway Company under section 227, for permission to cross the tracks of the Grand Trunk Railway Company (main line), on Kenilworth avenue, township of Barton, Ontario. (File No. 23753.)

Order made in terms set out in the judgment of the Chief Commissioner at hearing.

4804. Application of the corporation of the city of Hamilton, Ontario, for an order rescinding order of the board No. 21618, dated April 7, 1914, whereby the T.H. & B. Railway Company was authorized to construct a spur in the city of Hamilton, Ontario, into the lands of the Gillies-Guy Coal Company. (File No. 22581.9.)

See judgment of Chief Commissioner, dated May 21, 1914, Appendix "C."

4805. Application of Kerr, Thomson & Spider of Hamilton, Ontario, on behalf of property owners, to amend orders of the board Nos. 16671, 18906 and 20577 with respect to shunting by the G.T.R. on Ferguson avenue, Hamilton, Ontario.



## SESSIONAL PAPER No. 20c

NOTE.—Applicants will speak as to further order directing the railway company to take over properties at figures as found by arbitrators or the railway company reimburse property owners and an amount paid as damages for properties being brought within the scope of the board's orders from June, 1912, up to the present time. (File No. 18292, part 3.)

Order made dismissing the application. See order 21868.

4806. Application of the Canadian Northern Ontario Railway Company, under section 237, for authority to construct its line of railway across Main street in the village of Orono, township of Clarke, county of Durham, Ontario, at station 1274+35. (File No. 3878-106.)

No order made. Board's Chief Engineer to make an inspection and report.

4807. Consideration of the matter of protection of the crossing of the C.P.R. at Main street, Dundalk, Ont. (File No. 9437.1080.)

Order made in accordance with the judgment of Chief Commissioner at hearing. The village of Dundalk to first make its election with regard to Holland street.

4808. Application of Thomas H. Bickle, of the township of Darlington, Ont., under sections 252-253, for an order directing the C.L.O. & W. Railway Company to provide and construct a suitable farm crossing where the company's railway intersects his farm, being the north half of lot 35 in the first concession of the township of Darlington, Ont. (File No. 3701.867.)

Order made directing the railway company to fill in the sag in the creek crossing the applicant's farm with gravel and raise the grade at the creek 18 inches. See order No. 22215.

4809. Application of H. J. McPherson, of the township of Beverly, Ont., under section 226 for an order directing the Canadian Pacific Railway Company to construct a siding from a point on its main line to the premises of the applicant (stone quarry) in lot 32, con. 7, gore of Puslinch, county of Wellington, Ont. (File No. 22370.34.)

Order made dismissing the application. See order No. 21861.

4810. Application of the townships of Maidstone, Rochester and Tilbury West, and S. G. Millen, *et al*, under section 284, for an order directing the Michigan Central Railway Company to provide better morning train service into the town of Windsor, Ont. (File No. 21953.)

Board directed that train No. 109 be kept on until the railway company furnishes the board with statement and information asked for at hearing.

4811. Application of the London and Lake Erie Railway Company for an order authorizing a connection with the Michigan Central Railroad Company at the west end of the city of St. Thomas, Ont., and in the matter of order of the board No. 21513, dated March 16, 1914, authorizing this connection. (File No. 6713.56.)

Order made amending order No. 21513, dated March 16, 1914, by providing that the cost shall be paid by the Michigan Central Railway Company. (Order No. 21690.)

4812. Complaint of the Milton Pressed Brick Company, Ltd., of Milton, Ont., against the action of the Canadian Pacific Railway Company in holding up the construction work on their double tracking between Toronto and Guelph Junction, Ont. (File No. 22262.16.)

Application refused.

4813. Complaint of the Canada Foundry Company, Ltd., Toronto, Ont., relative to agreement between the applicants and the Michigan Central Railroad Company in connection with siding to structural steel plant at Shipyard, Ont. (Adjourned hearing.) (File No. 22327.)

Case struck off the list and not to be set down again for hearing unless either of the parties interested make application to the Board for that purpose.

4814. Application of the Ontario and Quebec Railway Co. (C.P.R.), under sections 222, 227, and 246, for authority to construct a spur from a point on the centre

line of its main line east of Shaw street, Toronto, Ont., thence crossing at grade the tracks of the Canadian Northern railway, and crossing under the Toronto and Niagara Power Company's Power Line, to and into the premises of the National Cash Register Company situate in township lot 27, concession 2, from the bay in the township of York, Ontario. (File No. 22333.16.)

Order made granting the application subject to the conditions set forth in the order. See Order No. 21736.

4815. Application of the Byron Telephone Company, Ltd., under sections 355-360, for an order fixing the rates and tolls to be charged by the said Byron Telephone Company, Limited, and the Bell Telephone Company of Canada on the interchange of business between the said two companies and apportioning the same. (File No. 2339.9.)

Matter arranged between the parties. Settlement to be filed when order to go accordingly.

4816. Application of Sheldon's, Ltd., Galt, Ont., for sixth-class rating in Canadian freight classification in heating and ventilating apparatus in earloads. (File No. 19367.25.)

Order made dismissing the application but amending classification No. 16 as to item 3 on page 65. See Order No. 21969.

4817. Complaint of the Dominion Millers' Association and Canadian Manufacturers' Association against proposed rules governing milling in-transit grain as published in Grand Trunk Tariff G.R.C. No. E-2765, suspended by Order No. 21590. (File No. 24130.)

Parties to endeavour to arrange the matter between themselves and with the chief traffic officer of the Board. In the meantime the case is struck off the list and not to be set down again unless complainant association requests it.

4818. Complaint of the Ontario and Dominion Sewer Pipe Companies against rate of 2 cents per 100 pounds charged on clay C.L. Waterdown to Mimico and Swansea published in Grand Trunk Railway Company's Tariff Supplement No. 146 to C.R.C. No. E-2552. (File No. 23913.)

Order made disallowing Supplement No. 146 to G.T.R. Co.'s special tariff C.R.C. No. E-2552, and rescinding the rate of half cent per 100 pounds. See Order No. 21746.

4819. Application of Maples, Limited, of Montreal, P.Q., for a rating of maple butter in the Canadian freight classification of 3rd class in less than earload, and 5th class in earload lots, or in mixed cars with syrup. (File No. 19367-30.)

Order made that the classification of maple butter be made the same as the classification of peanut butter, and that classification of maple cheese be included, the addition to be included in supplement No. 3 to Canadian freight classification No. 16. See Order No. 21745.

4820. Complaint of the Consumers Gas Co., of Toronto, Ont., against rate on coke Toronto to Buffalo, and application of the G.T.R. and C.P.R. companies for a readjustment of the coke rates. (File No. 23788.)

See judgment of Chief Commissioner, dated May 21, 1914. Appendix "C" and order made in accordance therewith reducing joint rate on coke in earloads of a minimum weight of 40,000 pounds, from 95 cents to 65 cents per ton of 2,000 pounds effective 22nd June, 1914. See Order No. 21958.

4821. *Re* Albert street bridge work, Oshawa, Ont.

NOTE.—Board will hear objections of the town to details of the Albert street bridge plan. (File No. 3701.176.)

Judgment reserved.

4822. *Re* Operating Rules.

The Board will consider the application of the Michigan Central Railroad Company for the adoption of red and yellow as night indications on the rear end of train instead of red and green. (File No. 4135-20.)

## SESSIONAL PAPER No. 20c

Michigan Central Railroad Co. agreed to adopt the Standard Regulations of the Board with regard to red and green lights. No order necessary.

4823. Consideration of the matter of plans of the Union Station, Toronto, the various questions arising out of Toronto Viaduct Order, including the questions of the construction of the York Street Bridge; and the appointment of the cost of the grade separation work at North Toronto. (Files Nos. 588, Cases 3322 and 2828 and File 12021.70 and 9437.153.)

Order made declaring that the compensation to be made to the C.P.R. Co. for property actually required for subway and consequential damages resulting from construction of the subway as provided by the reservation set forth in clause 3 of agreement, July 29, 1913, between the C.P.R. and G.T.R. Cos. and Toronto Harbour Commissioners, and given effect to by Board's Order No. 19926, *Le borne* and paid by the City of Toronto.

4824. Application of the Canadian Northern Ontario Railway Company, under sections 227 and 237, for authority to construct its line of railway with the C.P.R., and to construct a siding for Malleable Castings Company at Smiths Falls, township of Montague, Ontario, and to connect this siding with existing siding of the C.P.R., for Malleable Castings Co., and to cross Elmsley Street with said crossing. (File No. 23894.)

Judgment reserved. C.N.R. Co. to file a statement showing the public necessity for the connection.

4825. Application of the St. Lawrence and Ottawa Railway Co., (C.P.R.) under section 178, for authority to expropriate a certain tract or parcel of land, being lot No. 17 on the North side of McTaggart Street, in the City of Ottawa, Ontario, said lands being required for the enlargement of its Sussex street terminals. (File No. 24290.)

Order made granting the application. *See* Order No. 21762.

4826. The question of requiring further and additional smoke consuming devices and the amplification of existing orders with a view of abating the smoke nuisance at terminals will be considered. (File No. 6595, Case 3023.)

Matter referred to the Board's Chief Operating Officer to have report prepared. In the meantime judgment of the Board reserved.

4827. Consideration of the matter of plans of the Union Station, Toronto; the various questions arising out of the Toronto Viaduct Order, including the question of the construction of the York Street Bridge; and the apportionment of the cost of grade separation work at North Toronto. (Adjourned hearing.)

(File No. 588, Case No. 3322, File No. 588, Case 2828, File Nos. 12021.70 and 9437.153.)

Plans approved as set out in the oral judgment of the Chief Commissioner.

4828. Application of W. W. Vickers, Toronto, Ont., on behalf of Frederick C. Clarkson, of Toronto, assignee for the benefit of the creditors of the Dominion Grain Company Limited and Security Investments, Limited, and R. L. D. Taylor for an order directing the railway companies and other corporations interested in the acquisition of lands in connection with the Union Station, Toronto, Ontario, to immediately proceed with the expropriation by filing the necessary plans and appointing arbitrators to ascertain the value of said lands in accordance with the Railway Expropriation Act; or in the alternative to relieve the said lands from all direct or implied restrictions, and to enable said petitioner to deal with same in the open market. (File No. 588.30.)

Board decided no formal order need issue. Railway Co. to file the plan in the Registry Office by May 12th, 1914.

4829. Application of the Canadian Northern Ontario Railway Company for an order under section 159 of the Railway Act sanctioning and approving of the location of the Applicant Company's line of railway through the townships of York and Scarborough, in the County of York, Province of Ontario, from mileage 0 to mileage 7.60 from Yonge Street. (File No. 3878.532.)

Case struck off the list.



1891. Application of Frederick C. Clarkson, of Toronto, assignee for the benefit of the creditors of the Dominion Grain Company, Limited, and Security Investments, Limited, and R. L. D. Taylor for an order directing the railway companies and other corporations interested in the acquisition of lands in connection with the Union Station, Toronto, Ont., to forthwith proceed with the expropriation by filing the necessary plans and appointing arbitrators to ascertain the value of said lands in accordance with the Railway Expropriation Act; or in the alternative to relieve the said lands from all direct or implied restrictions, and to enable said petitioner to deal with the same in the open market. (File No. 588.30.)

C.P.R. Co. to file plan in the Registry Office by the 12th of May. No formal order necessary.

4831. Application of the city of Three Rivers, P.Q., for an Order directing the Canadian Pacific Railway Company to place gates where their line of railway crosses Bonaventure street, Three Rivers, P.Q. (File No. 9437-1088.)

Order made directing the C. P. R. Co. to install gates at St. Maurice, St. Thomas, and Bonaventure streets, in the city of Three Rivers; work to be completed by July 20, 1914; 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund; cost of operating to be paid three-quarters by the railway company and one-quarter by the applicant. See Order 21866.

4832. Application of the city of Three Rivers, P.Q., for an order directing the Canadian Pacific Railway Company to place gates where their line of railway crosses St. Maurice street, Three Rivers, P.Q., and to build a foot bridge at this point. (File No. 9437-1089.)

Order made directing the C. P. R. Co. to install gates at St. Maurice, St. Thomas and Bonaventure streets, in the city of Three Rivers; work to be completed by July 20, 1914; 20 per cent of the cost of installation to be paid out of The Railway Grade Crossing Fund; cost of operating to be paid three-quarters by the railway company and one-quarter by the applicant. See Order 21866.

4833. Application of the city of Three Rivers, P.Q., for an Order directing the Canadian Pacific Railway Company to place gates where their line of railway crosses Laviolette avenue, Three Rivers, P.Q. (File No. 9437-1090.)

Order made directing the C.P.R. to install and maintain at its own expense an automatic bell at the said crossing. See Order No. 21815.

4834. Consideration of the matter of protection at the crossing of the Dominion Atlantic Railway Company over the highway immediately west of the station at Waterville, N.B. (File No. 9437-955.)

Order made that the railway company employ watchman to protect the crossing in question. See Order No. 21134.

4835. Complaint of the Municipal Council of the County of Kings, N.S., against the closing by the Dominion Atlantic Railway Company of the public road leading from Cambridge, in the county of Kings, to Waterville, past the Presbyterian church, east of the station at that point. (File No. 9437-987.)

Order made directing the railway company to install an automatic bell at the said crossing by the 3rd September, 1914, 20 per cent of the cost to be paid out of The Railway Grade Crossing Fund and the balance by the railway company. See Order No. 22135.

4836. Consideration of the petition of the people of Grafton, N.S., and district, relative to the crossing by the Dominion Atlantic Railway Company of Grafton road. (File No. 14126-2.)

Order made that the railway company fill in the approaches to the said crossing, a distance of 300 feet to the south and 400 feet to the north, work to be done at the expense of the railway company. See Order No. 21921.

4837. Consideration of the matter of protection at the crossing of the Dominion Atlantic Railway Company at Port Williams, Nova Scotia. (File No. 9427-1120.)

Order made directing the railway company to employ a flagman to protect the said crossing. See Order No. 21900.

## SESSIONAL PAPER No. 20c

4838. Complaint of the Fredericton Board of Trade against the charging by the Canadian Pacific Railway Company of higher fares to and from Fredericton, N.B., than are charged to and from St. John, N.B. (File No. 23718.)

Order made directing the Dominion Express Company to publish and file a special tariff applicable to through shipments of milk or cream to Boston, Mass., upon the rates set forth in the order, tariff to become effective not later than July 1, 1914. See Order 21968.

4839. Application of the Farmers' Dairy and Produce Company, Limited, of St. John, N.B., for a workable rate on milk in carloads from St. John to Boston, Mass., by freight, passenger or express service. (File No. 23718.)

Order made directing the Dominion Express Company to publish and file a special tariff applicable to through shipments of milk and cream to Boston, Mass., upon the rates set forth in the Order, tariff to become effective not later than July 1, 1914. See Order 21968.

4840. Consideration of the matter of protection at the crossing of the Canadian Pacific Railway Company, West St. John subdivision, with the St. John Electric Railway on Main street, St. John, N.B. (File No. 2463.)

Order made directing that the crossing in question be protected by a half interlocking plant, subject to the terms and conditions set forth in the Order. See Order 21914.

4841. Complaint of I. E. Gillmor, of Second Falls, N.B., relative to fencing on the line of the Bay Shore Railway, now the Canadian Pacific Railway, in the vicinity of Donny River Station. (File No. 9994-100.)

Board decided that no order was necessary.

4842. Complaint of Noviciat de Notre Dame des Anges, P.Q., against the charge made for telephone service by the Bell Telephone Company of Canada. (File No. 3574-115.)

See judgment of Commissioner S. J. McLean, dated July 17, 1914, Appendix "C."

4843. Complaint of C. P. Newman, of Lachine Locks, P.Q., against the Bell Telephone Company's proposed increased annual charge for use of telephone on complainant's premises. (File No. 3574-113.)

See judgment of Commissioner McLean, dated July 17, 1914, appendix "C," disallowing the tariffs in question.

4844. Complaint of the Boards of Trade of Montreal, Ottawa and Quebec against the withdrawal of summer rates between Montreal and Ottawa, Montreal and Quebec, and intermediate points, also from Montreal to Grand Trunk stations Iroquois to Rideau, and Canadian Pacific stations Winchester to Smiths Falls, including Brockville and Prescott. (File No. 24223.)

Judgment reserved.

4845. Complaint of the Superior Sand and Gravel Company against the rate charged by the Canadian Pacific Railway Company on sand and gravel St. Gabriel, P.Q., to Montreal. (File No. 24180.)

Application dismissed.

4846. Complaint of Damasse Goyette, of Lemoyne, P.Q., relative to the action of the Canadian Pacific Railway Company in removing crossing in the vicinity of Iberville Junction, in the parish of St. Athanase, P.Q. (File No. 22734.)

Order made directing the railway company to provide and construct at the expense of the complainant a farm crossing, work to be completed by July 9, 1914. See Order No. 21959.

4847. Complaint of the township of Cleveland in the county of Richmond, Quebec, relative to protection at Jeffrey Crossing, G.T.R.

NOTE.—The matter of distribution of the cost of the work to be spoken to. (File No. 9437-943.)

Order made dismissing the application.

6 GEORGE V, A. 1916

4848. Application of the Municipal Council of the village of Beauport, P.Q., under section 237, for two level crossings over the line of the Quebec Railway, Light, Heat and Power Company, in the village of Beauport, P.Q. (File No. 24071.)

Order made authorizing the applicant to construct two highway crossings over the railway. See Order No. 21863.

4849. Complaint of the village of South Durham, P.Q., relative to alleged dangerous condition of crossing (Bergevin's Crossing) on the line of the Grand Trunk Railway Company between Danby and South Durham, P.Q. (File No. 9437-1118.)

Order made directing the railway company to change the grade of the approaches to the said crossing to one in sixteen, the work to be completed by July 18, 1914. The cost of the work to be borne and paid by the railway company. See Order No. 21836.

4850. *Re* Overhead bridge over the tracks of the G.T.R. and Montreal Park and Island Railway at Lachine Road, Rockfield, P.Q.

(Note.) The Board will consider the claim of the various parties concerned to be compensated for the damages, if any, arising from the construction of the overhead bridge over the railway tracks at Rockfield, and the diversion of the Upper Lachine road, consequent upon the construction of such bridge, such damages to be included in the cost of the work. (File No. 9437-119. Part 2.)

Order made amending Order of the Board No. 10437 by providing that all moneys expended in the acquisition of any property required for the work, and all moneys paid in satisfaction of damages shall be considered as forming part of the cost of the work directed by the board's order. See Order 21853.

4851. Application of the Atlantic and North Western Railway Company, (C.P.R.) under section 237 for authority to construct at grade an additional track (double track) of its main line, Farnham subdivision across Champlain street, in the town of St. Johns, P.Q., at mile 19.9 of said line. (File No. 19855-20.)

Order made granting the application and rescinding Order No. 21714. See Order No. 21864.

4852. Application of the Cedar Rapids Manufacturing and Power Co., under section 178, for authority to expropriate for right-of-way for its transmission line part of lot 1, parish of St. Ignace du Coteau du Lac, P.Q., the property of Mme. D. Tremblay. (File No. 23677.38.)

Judgment reserved. Company to apply to the Department of Railways and Canals for approval of plan as mentioned by the Chief Commissioner.

4853. Application of the Montreal Light, Heat and Power Company for authority to lay a 30-inch gas pipe from new works on the Lachine Canal across the swamp presently under lease by the Grand Trunk Railway Company from the Department of Railways and Canals, Cadastral Nos. 1005, 1026, 1025, parish of Lachine, near the western end of Turcot Yards. (File No. 23918.)

Order made granting the application, subject to the terms and conditions set forth in the Order. See Order 22051.

4854. Consideration of the matter of the question of protection at the crossing of the Grand Trunk Railway Company at St. Ambroise Street, in the city of Montreal. (File No. 9437.1100.)

Orders to be disposed of with the grade separation matter.

4855. Application of the city of Montreal, P.Q., under sections 29-52 and amendments thereto to vary in part the judgment of the Board made on the 18th of June, 1912, in connection with the application of the Chambre de Commerce of the city of Montreal to do away with all level crossings along the right of way of Grand Trunk Railway within the city of Montreal, P.Q. (File No. 24218.)

Judgment reserved. Parties to endeavour to reach a settlement. If not the Board will deal with the matter.

4856. Application of the city of Montreal, P.Q., to have the town of Verdun, the city of Westmount and the Montreal Tramways Company made parties to the application of the Chambre de Commerce, and that they be ordered to bear a portion



## SESSIONAL PAPER No. 20c

of the cost of track elevation of the Grand Trunk Railway Company's tracks in the city of Montreal, P.Q. (File No. 24218.1)

Application stands, the Board to visit the locus.

4857. Application of the Cedar Rapids Manufacturing and Power Company, to take lands in lot 332, the property of Maurice and Adolphe Tessier, in the parish of St. Joseph de Soulanges, P.Q. (File No. 23677.67.)

Struck off the list.

4858. Application of the Cedar Rapids and Manufacturing and Power Company, to take lands in lot 331, the property of Maurice Tessier, in the parish of St. Joseph de Soulanges, P.Q. (File No. 23677.52.)

Struck off the list.

4859. Application of Joseph Denis, of Montreal, P.Q., under section 226, for an Order directing the Canadian Pacific Railway Company to construct a branch line connecting his business premises with main line of the C.P.R. between Melrose Avenue and Belgrave Avenue, Notre Dame de Grace ward.

Parties to endeavour to settle the matter between themselves.

4860. Application of the Hepworth Silica Pressed Brick Co., Limited, of Hepworth, Ont., for an Order directing the Grand Trunk Railway Company to construct a spur to the premises of the Applicant Company at Hepworth, Ontario, and complaint against the switching charge of \$2 per car proposed to be charged by the G.T.R. Company. (File No. 21428.)

Order made granting application.

4861. Application of the Corporation of the town of Aylmer, P.Q., for a reduction in the fare between Ottawa and Aylmer on the Hull Electric Railway. (File No. 21781.)

Order made dismissing the application. See Order No. 21905.

4862. Further consideration of the complaint of the Consumers' Gas Company of Toronto against the rates charged for the movement of coke within the Toronto group of terminals. Heard at Toronto, April 24. (File No. 23788.)

Order made granting the application.

4863. Complaint of the Boards of Trade of Montreal, Ottawa, and Quebec against the withdrawal of summer rates between Montreal and Ottawa, Montreal and Quebec, and intermediate points, also from Montreal to Grand Trunk Stations Iroquois to Rideau, and Canadian Pacific stations Winchester to Smiths Falls, including Brockville and Prescott. (File No. 24233.)

Stands. No action taken at present.

4864. Application of the residents in the vicinity of New Sydenham, Manitoba, for a road or approach to station at Layland siding, on the line of the Great Northern Railway Company. (File No. 2142.1.)

Order made directing the railway company to construct a good road allowance at south end of the station grounds, and to grade and level it to a width of 20 feet and put in proper condition the loading platform. Work to be completed by August 15, 1914.

4865. Application of Frank Yestrau, of Rosewood, P. O., Man., for an order directing the Canadian Northern Railway Company to stop their "flier" train at Dufresne, Man. (File No. 24100.)

Order made dismissing the application.

4866. Application of A. C. Belmer, of Dauphin, Man., on behalf of the farmers in the vicinity of Dauphin, Manitoba, for a siding or spur to be used for loading grain at a point about half way between Dauphin and Ashville, on the line of the Canadian Northern Railway Company. (File No. 342.3.)

Order made directing railway company to construct a grain loading siding between Dauphin and Ashville by September 1, 1914.

6 GEORGE V, A. 1916

4867. Application of the town of Gladstone, Man., for an order directing the Canadian Northern and Canadian Pacific Railway Companies to construct a highway crossing over their lines of railway at Dufferin street, Gladstone, Manitoba. (File No. 24210.)

Order made dismissing the application.

4868. Application of the residents of Niverville, Manitoba, for an order directing the Canadian Pacific Railway to appoint and maintain a permanent station agent at that point. (File No. 20776.)

No order necessary, but the railway company must remove the station agent without notice to the board, the town of Niverville and the Niverville Board of Trade.

4869. Petition of the residents of the village of Lac du Bonnet, Manitoba, asking that the C.P.R. company be directed to build a platform at a point opposite the village and have the local train stop at said platform night and morning. (File No. 19348.)

Order made refusing the application.

4870. Application of Charles Pritchard, Winnipeg, Manitoba, for an order directing the Canadian Northern Railway Company to ascertain the compensation due him for property lying between right of way and Jubilee avenue, being lot 32, block "C" plan 680 and for an order rescinding order of the board No. 19120, dated April 26, 1913. (File No. 20311.6.)

Struck off the list, railway company having arranged the compensation to be paid.

4871. Application of the rural municipality of Saint Andrews, Manitoba, under section 250, for an order directing the Canadian Pacific Railway Company, on its Winnipeg Beach branch to construct a suitable culvert under its tracks on each of the five following public road allowances:—

Road between river lots 103 and 104, parish of St. Andrews.

Road between river lots 119 and 120, parish of St. Andrews.

Greenwood avenue, town of Selkirk, Manitoba.

Road between sections 2 and 10-17-4, E.P.M., Manitoba.

Road between sections 15 and 22-17-4, E.P.M., Manitoba.

NOTE.—Board will consider the question of the cost of the work. (File No. 24151.)

Referred to the Board's Engineer for inspection and report.

4872. Complaint of Geo. Parks *et al*, of Winnipeg, Man., regarding alleged discrimination by the Canadian Pacific Railway Company between individual owners of automobiles and taxicab companies in connection with the conveying of passengers from the C.P.R. depot to different points throughout the city of Winnipeg, Manitoba. (File No. 22638.)

Referred to the Board's Operating Officer for inspection and report.

4873. Complaint of the Swift Canadian Company, of Winnipeg, Manitoba, that the railway companies refuse the dressed hog ratings of the Canadian freight classification to dressed hogs with the head removed and the backbone split. (File No. 19367.28.)

Struck off the list, matter having been settled with the railway companies by the complainant.

4874. Complaint of John Thomas, of Winnipeg, Man., of alleged excessive charges on cordwood from Richan, Ontario, to Winnipeg, Man. (File No. 23945.)

Order made dismissing the application.

4875. Complaint of the Canadian Industrial Exhibition Association of Winnipeg that the railway companies purpose this year to charge single fares for the exhibition round trip, instead of the lower fares, approximating 25 per cent less than single, charged during previous seasons. (File No. 24127.)

No order made as no further action necessary.

## SESSIONAL PAPER No. 20c

4876. Application of the Smart-Woods, Ltd., of Winnipeg, Man., for a ruling by the board as to liability of rail carriers under "Order" Ocean Bills of Lading. (File No. 23375.)

See judgment of the chief-commissioner dated July 20, 1914. Appendix "C." Order made dismissing the complaint. See Order No. 22279.

4877. Complaint of James Auld, Winnipeg, Man., relative to train service of the Canadian Pacific Railway Company between Winnipeg and Lac du Bonnet, Man. (File No. 24302.)

Referred to Board's Operating Department for report.

4878. Application of the Tuxedo Park Co., Ltd., the Canada Cement Co., Ltd., and South Winnipeg, Ltd., under sections 176 and 317, for an order directing the G.T.P. Ry. to receive, forward and deliver upon and from the existing spur now serving the property of the applicants, situate in lots 60, 61, 62 and 63, in the parish of St. Boniface, and 1 to 11 in the parish of St. Charles, Man., upon such terms and conditions as the board may decide fair and equitable. (Adjourned hearing.) (File No. 15772.)

Judgment reserved. Board's engineer to furnish the board with a report in the matter.

4879. Consideration of the question of protection to be provided at the crossing of the Canadian Pacific, Canadian Northern and Winnipeg Joint Terminals railway at Provencher avenue in the city of St. Boniface, Man., and the apportionment of the cost thereof. (File No. 24178.)

No action taken, C.N.R. consents to pay the full cost of the watchman until the effect of the work is seen. The matter may be brought on again upon the C.N.R. asking another application for a revision.

4880. Complaint of the W. J. Guest Fish Co., Ltd., of Winnipeg, Man., in regard to the express rates charged on fresh fish in carload lots from Vancouver to Winnipeg, Man. (File No. 4214.436.)

See judgment of the Chief Commissioner dated the 12th October, 1914, appendix "C." Order made dismissing the complaint. See Order No. 22893.

4881. Application of the city of St. Boniface, Man., for extension of the express collection and delivery limits fixed by Order No. 19849, dated May 30, 1913. (File No. 4214.159.)

Order made fixing the limits for the delivery and collection of express freight and rescinding Order No. 19849. See Order No. 22231.

4882. Application of the city of St. Boniface, Man., under section 237, for leave to construct certain streets across the Emerson branch of the Canadian Pacific Railway Company in the city of St. Boniface, Man. (File No. 23395.)

Stands to be taken up by the city of Winnipeg with the Public Utilities Commission of Manitoba.

4883. Application of the Canadian Pacific Railway Company, under section 237, for authority to construct an additional track across Marion street in the city of St. Boniface, Man., on its Winnipeg to Emerson branch, Manitoba division. (File No. 21823.)

Order made for one additional track.

4884. Application of the town of Tuxedo, Man., for an order directing the Canadian Northern Railway Company and the Grand Trunk Pacific Railway to construct and maintain a suitable street crossing over their tracks where the same are crossed by or cross Kenneston boulevard, in the city of Winnipeg, and in the town of Tuxedo or the continuation of the same southerly, or authorizing the said town to construct such crossing and apportion the cost thereof between the said town, the city of Winnipeg and the railway companies. (File No. 23675.)

Order made granting the application. See Order No. 22909.



6 GEORGE V, A. 1916

4885. Application of the rural municipality of Fort Garry, Man., for an order directing the Canadian Northern Railway Company to provide a proper and suitable subway under its tracks where it crosses Pembina highway, Winnipeg, Man. (File No. 20311.1.)

Order made dismissing the application. See Order No. 22102.

4886. Application of the Canadian Northern Railway Company for authority to remove the connection between the Canadian Pacific railway and the Winnipeg Joint Terminal tracks at Higgins avenue, Winnipeg, Man. (File No. 23815.)

Order made refusing the application. See Order No. 23177.

4887. *Re* Winnipeg Street Railway Crossing, crossing the Selkirk branch of the Canadian Pacific Railway on Selkirk Avenue and McPhillips Street, Winnipeg, authorized by Order No. 15449, dated September 15th, 1911, and crossing of the Canadian Pacific Railway spur of the Winnipeg Beach branch at Selkirk Avenue, Winnipeg, authorized by Order No. 21287, dated January 29th, 1914. (File No. 17610.) Application struck off the list.

4888. Application of the city of Winnipeg, Man., for an order directing the C.P.R. Company to take up and remove from and off Selkirk Avenue in the City of Winnipeg, a certain spur track which connects with the Selkirk branch of the C.P.R., immediately north of Selkirk avenue aforesaid, and runs southerly across Selkirk avenue into exhibition grounds, and to connect said spur with the said Selkirk line of the C.P.R., south of Selkirk avenue. (File No. 23122.)

See judgment of Chief Commissioner, dated October 30, 1914. Appendix "C."

4889. Application of the Canadian Pacific Railway Company under sections 222 and 237, for authority to construct a spur for the Dominion Lumber and Fuel Company in lot 38, parish of St. John, Winnipeg, Manitoba. (File No. 22318.18.)

Order made granting the application subject to the terms and conditions set forth in the order. Order No. 21267 rescinded. See Order No. 22835.

4890. Application of the Canadian Pacific Railway Company, under sections 222 and 237 for authority to construct a spur for the Dominion Lumber and Fuel Company in lot 38, parish of St. John, Winnipeg, Manitoba. (File No. 22318.18.)

Order made granting the application subject to the conditions set forth in the order. See Order 22835.

4891. Application of B. Shraggo, of Winnipeg, Manitoba, for an order directing the Canadian Pacific Railway Company to construct a spur to serve the applicant's warehouse in the City of Winnipeg, Manitoba. (File No. 22318.10.)

Order made granting the application.

4892. Application of the Canadian Northern Railway Company under sections 222 and 237, for authority to construct a spur for J. H. Carleton, to serve lots 24, 25 and 26, block 12, D.G.S., St. John, plan 12, Winnipeg, Manitoba, and to cross with such spur May street and Heaton avenue in the said city. (File No. 22318.19.)

Order made granting the application upon the terms set forth in the order.

4893. Consideration of the matter of construction of subway at the crossing of the Canadian Pacific Railway Company, at Salter Street, Winnipeg, Manitoba. (File No. 3084.)

Matter referred to the Board's Chief Engineer for report after conference with the city's engineer and the C.P.R. Co.'s engineer.

4894. Consideration of the matter of the request of the City of Winnipeg, Manitoba, for the construction of a subway at Talbot Avenue, Winnipeg, Manitoba, where it is crossed by the tracks of the Canadian Pacific Railway Company. (File No. 9437.279.)

Board directed that the City of Winnipeg could construct a subway at its own expense if it so desires, but that before the order is issued the city to advise the Board whether it intends to avail itself of the alternative referred to in the oral judgment of the Chief Commissioner. See judgment of the Chief Commissioner, Appendix "C."

## SESSIONAL PAPER No. 20c

4895. Consideration of the matter of the crossing of the tracks of the Winnipeg Electric Railway Company by the Canadian Pacific Railway at Logan Avenue, Winnipeg, Manitoba, authorized by Order No. 6501, dated March 12th, 1909. (File No. 8922, Case No. 4716.)

Order made dismissing application.

4896. Consideration of the forms of live stock contracts submitted by railway companies subject to the jurisdiction of the Board. (File No. 16749.)

Order to go under section 226 upon formal application and plans being filed and submitted for approval.

4897. Complaint of C. T. Rogers of Coleville, Sask., relative to alleged overcharge on car of settlers' effects from Broomhill, Manitoba, to Coleville, Sask. (File No. 24202.)

No order made. Board having no jurisdiction.

4898. Application of James McKay, M.P., *et al.*, for an order directing the Grand Trunk Pacific Railway Company to place a siding where their main line running into Prince Albert, Sask., crosses the South Saskatchewan River at St. Louis, Sask. (File No. 17913.)

Order made directing that the G.T.P. Co., provide and construct a ten car spur at Old St. Louis. Work to be constructed and completed by November 30th, 1914. See Order 22784.

4899. Complaint of the residents in the vicinity of Sibbald and Benton, Alberta, for an order directing the Canadian Northern Railway to construct a siding in section 6-22-2, W. 4 M., midway between Sibbald and Benton, Alta. (File No. 5891.8.)

Board directed that an Order go confirming the siding at the place where it now is. Board's operating officer to report in the matter of the platform.

4900. Complaint of the village of Hughton, Sask., with reference to lack of station and station agent at that point, on the line of the Canadian Northern Railway, in section 20-26-14, W. 3 M., Saskatchewan. (File No. 23717.)

Order made directing the C.N.R. to file a plan showing the location of a fourth class station at Hughton, to be erected and station agent appointed on or before the 1st of July, 1914.

4901. Application of the Board of Trade of Sheho, Sask., for an order directing the Canadian Pacific Railway Company to remove its station at that point to the town side of the track and thus eliminate a dangerous crossing. (File No. 23896.)

Order made dismissing the application.

4902. Application of the Grain Growers' Association of Wiseton, Sask., for an order directing the Canadian Northern Railway Company to construct a stockyard and loading chute at Wiseton, Sask. (File No. 24215.)

Order made directing the C.N.R. to complete on or before July 1, 1914, one open stockyard and loading chute at Wiseton.

4903. Complaint of the Landis Grain Growers' Association against the minimum weight charged on live hogs by the Grand Trunk Pacific Railway. (File No. 19475.5.)

Struck off list. To be dealt with in connection with general adjustment of the rate complained of.

4904. Application of the rural municipality of Viscount, No. 341, Sask., for a pipe crossing under the tracks of the Canadian Pacific Railway Company (Pheasant Hills branch), in section 29-34-26, W. 2 M., Sask. (File No. 965-17.)

Order made directing the railway company at its own expense to grade driveway from highway crossing and to install an eighteen-inch corrugated iron pipe, work to be completed by September 1, 1914.

4905. Application of the rural municipality of Viscount, No. 341, Sask., for an order directing the Canadian Pacific Railway Company to put the right of way of their Pheasant Hills branch in such shape as will allow farmers to deliver their grain at the elevators situated on the switch of the said railway in the village of Viscount, Sask. (File No. 965-18.)

6 GEORGE V, A. 1916

Order made (see Appl'n R. M. of Viscount, No. 341, *re* pipe crossing under C.P.R., File 965-17.)

4906. Application of the rural municipality of Viscount, No. 341, Sask., for a permanent crossing at the centre of section 11-34-25, W. 2 M., where the present crossing is on the railway to the east of the hamlet of Plunkett, on the line of the Pheasant Hills branch of the Canadian Pacific Railway Company. (File No. 965-19.)

Order made dismissing application.

4907. Application of the rural municipality of Viscount, No. 341, Sask., for an order directing the Canadian Pacific Railway Company (Pheasant Hills Branch) to put their right of way in such shape as will allow farmers to deliver their grain at the elevators situated in the hamlet of Plunkett, Sask. (File No. 965-20.)

The railway company at its own expense to grade a driveway from highway crossing to elevator approaches and to install an eight-inch pipe, work to be completed by September 1, 1914.

4908. Application of the rural municipality of Viscount, No. 341, Sask., for an order compelling the Canadian Pacific Railway Company (Pheasant Hills branch) to place a pipe under their track opposite Block 4, of the hamlet of Plunkett, Sask., to allow the water a free course from the north side of the track to the south side of the same. (File No. 965-21.)

Order made directing the railway company to install an eighteen-inch corrugated iron pipe, work to be completed by the 1st of September, 1914.

4909. Application of the Board of Highway Commissioners for the province of Saskatchewan for approval of plan showing new road crossing over the right of way of the C.P.R., in the south half of section 29-34-26, W. 2 M., which road provides access to Viscount, Sask. (File No. 23124.)

Order made directing the railway company to construct a crossing at the point in question at its own expense, said crossing to be constructed by the 1st of September, 1914.

4910. Application of the Fiske Grain Growers' Association, for an order directing the C.N.R. Co., to extend the loading platform at Fiske, Sask. (File No. 17330.)

Order made. Railway company undertaking to have driveway and facilities attended to without delay.

4911. Petition of the Board of Trade of Minburn, Alta., relative to the station facilities of the Canadian Northern Railway Company at Minburn, Alta. (File No. 20214.)

No action taken. C.N.R. states that an agent had been appointed and that a fourth-class station would be erected within six weeks from the 29th of May, 1914.

4912. Application of the Board of Trade of Onoway, Alberta, relative to the train service of the Canadian Northern railway west of St. Albert, Alberta. (File No. 14942-175.)

Railway company stated that train service would be operated to Lac Ste. Anne, Alta., within six weeks from May 29. No order necessary.

4913. Application of the Board of Trade of Vegreville, Alta., for the enlargement of the stockyard and loading platform at Vegreville, Alberta, on the line of the Canadian Northern Railway Company. (File No. 24344.)

Order made directing the C.N.R. Co., to widen the loading platform at Vegreville to 20 feet by the 29th of June, 1914.

4914. Petition of R. H. Waite *et al.*, of Tofield, Alta., for station facilities on the line of the Grand Trunk Pacific Railway Company between Tofield and Deville, Alta. (File No. 19275.)

Order made directing the G.T.P. Co., to file with the board by 29th June, 1914, plan showing location of a standard No. 1A station, also a stock pen with necessary platform and loading chute, also a spur track to hold at least four freight cars; these facilities to be constructed and completed by September 1, 1914.



## SESSIONAL PAPER No. 20c

4915. Application of John A. McPherson *et al.*, of the village of Spruce Grove, Alta., for an order directing the Grand Trunk Pacific Railway Co. to operate and maintain, with good and sufficient accommodation for freight traffic, the railway station at Spruce Grove, Alberta. (File No. 17463.)

Order made directing the G.T.R. Co., to stop train No. 2 on Sunday morning at Spruce Grove and provide suitable track for handling of traffic from the platform and to make other provisions. See Order No. 22302.

4916. Petition of the residents of Gainford, Alberta, and vicinity, for an order directing the Grand Trunk Pacific Railway Company to appoint a station agent at Gainford, Alberta. (File No. 17275.)

No order made. The G.T.P. Company to file a statement showing its freight, passenger and express earnings from January 1 to May 31, 1914.

4917. Application of the merchants and business men of Ribstone, Alta., for an order directing the Grand Trunk Pacific Railway to have all prepaid freight in less than carload lots and express shipments addressed or consigned to Ribstone delivered there instead of at Dunn, Alberta. (File No. 22680.)

Order made approving of the location and details of station of the G.T.P. Ry. Co., at Ribstone, Alta. See Order No. 23060.

4918. In the matter of Order No. 21731, dated May 1, 1914, authorizing the G.T.P. Ry. to construct, maintain and operate ladder tracks across Kinistino avenue, in the city of Edmonton, Alberta, and directing that the switching movements over the said crossing be carried on between the hours of 1 and 2.30 o'clock p.m., and 9 o'clock p.m., and 4 o'clock, a.m., and application of the G.T.P. Ry. Company for reconsideration of the provision of the said order with respect to hours of switching, extending the time from 4 a.m. to 6 a.m.

Order made rescinding second paragraph of the operative part of Order No. 21731 and providing that the switching movements over the crossing in question be carried on between 1.00 and 2.30 o'clock p.m., and 9.30 o'clock p.m., and 6 o'clock a.m. Applicant company to provide watchman during switching operations.

4919. In the matter of protection at the level crossing of the Canadian Pacific Railway Company at Whyte avenue, Edmonton, Alberta.

(Note.) The board will consider the question of seniority at this crossing. (File No. 8464. Case No. 3935.)

Judgment reserved.

4920. Complaint of the Clover Bar Coal Company against 8 cent rate charged by the Canadian Pacific Railway Company on carload live hogs Millet to Edmonton, compared with 7½ cent rate for same movement when for packing purposes; also that the C.P.R. refuses to absorb any portion of the interswitching charges at Edmonton. (File No. 24342.)

Struck off the list.

4921. Application of the corporation of the city of Edmonton, Alberta, under section 237, for leave to construct a highway across the railway and yards of the Calgary and Edmonton Railway Company within the limits of the city for the purpose of opening up Athabasca avenue across the said railway and for the carrying of the said avenue under the said yards and railway by means of a subway. (File No. 22436.)

Leave granted to the city of Edmonton to appeal to the Supreme Court from the judgment of the board.

4922. Application of the C.N.R. Co., for permission to locate, maintain and operate a spur from a point on its authorized line in the city of Calgary at mile 255.40 to a point opposite block 48, to the property of the Canada Cement Company. (File No. 22398.14.)

Board directed that an Order go in accordance with the consent of the city of Calgary, dated May 26, 1914.

6 GEORGE V, A. 1916

4923. Application W. W. Jefferson for the appointment of an agent at Junkins, Alta., on the line of the G.T.P. Ry., and for improvements to the station property. (File No. 20120.)

No action taken, the railway company having arranged for the installation of a standard loading platform at Junkins.

4924. *Re* transfer track in connection with C.N.R. and C.P.R. Companies at Calgary. (File No. 10821.95.)

See judgment of Asst. Chief Commissioner dated January 7, 1915. Appendix "C."

4925. Application of the C.N.R. Co., for an Order extending the time for the operation of the Gravelbourg branch until 1st October, 1914. (File No. 13975.156.)

Order made granting the application. See Order No. 22078.

4926. Application of the Massey-Harris Co., Ltd., for an Order directing the C.N. Ry. Co., and the G.T.P. Ry. Co., to construct a spur in block 6, Hudson Bay reserve as far as Athabasca avenue. (File No. 22140.)

See judgment of Chief Commissioner, dated July 8, 1914. Appendix "C."

4927. *Re* grade separation, Edmonton, Alta. (File No. 23420.)

Order made directing the protection of crossings of Syndicate and Albert avenues, city of Edmonton, by gates installed by the railway companies and operated by day and night watchmen. Detail plans to be submitted by the 7th August, 1914, and the gates to be installed within three months after the approval of plans. Provision made for payment 20 per cent of cost out of The Railway Grade Crossing Fund.

4928. *Re* time limit for the erection of gates on 1st, Alberta and Whyte avenues, Edmonton. (File No. 23420.)

Order made directing the protection of crossings of Syndicate and Alberta avenues, city of Edmonton, by gates installed by the railway companies and operated by day and night watchmen. Detail plans to be submitted by the 7th August, 1914, and the gates to be installed within three months after the approval of the plans. Provision made for the payment of 20 per cent of cost out of The Railway Grade Crossing Fund.

4929. *Re* protection on Spruce avenue, Edmonton. (File No. 19437.)

Order made granting the application subject to the conditions set forth in the Order. (See Order 21938.)

4930. Application of the city of Edmonton to open Morgan avenue, Regent street and Kelley avenue, across railway company's tracks. (File No. 23398.)

No Order made. Board is, however, of the opinion that, if not at present certainly at an early date access should be provided to the property south and east of the Canadian Northern main line.

4931. *Re* crossing of 27th Street, Edmonton, by the Interurban Railway, and the G.T.P. Ry. Co. (File No. 20921.)

Board directed that Order No. 23634 should stand and that the Interurban Railway Co. be at liberty to renew its application as soon as the company is ready to operate its railway.

4932. *Re* crossing by the Edmonton and Dunvegan Railway Company at mileage 5. (File No. 24271.)

See judgment of the Chief Commissioner, Appendix "C," directing that an order will issue unless the anomalies referred to in the judgment are removed at an early date.

4933. Application of the merchants and business men of Ribstone, Alta., for an order directing the G.T.P. Co., to have all prepaid freight in less than carload lots and express shipments addressed or consigned to Ribstone, delivered there instead of at Dunn, Alta. (File No. 22680.)

Order made directing railway to construct station and one-pen stockyard. Work to be completed by September 15, 1914. See Order 22316.

## SESSIONAL PAPER No. 20c

4934. Application of the Grand Trunk Railway Company for an order amending order of the Board No. 138, dated June 17, authorizing the crossing by the Sarnia Street Railway Company of the Grand Trunk Railway (Point Edward-Blackwell branch) and requiring the installation of a diamond at the expense of the Sarnia Street Railway Company.

Order No. 21825, dated May 14, 1914, suspended pending hearing. (File No. 612.)

Board directed that an order issue but that such order be not retroactive. Grand Trunk to be furnished with a copy of the draft order.

4935. Consideration of the question of requiring further and additional smoke consuming devices and the amplification of existing orders with a view of abating the smoke nuisance at terminals. (File No. 6595, Case 3023.) (Recommendation attached.)

Referred to Board's operating department for investigation and report.

4936. Complaint of the Cowichan Ratepayers' Association on behalf of Adam Gordon, of Hillbank, B.C., relative to alleged inadequate culvert on his property on the line of the Esquimalt and Nanaimo Railway Company. (C.P.R.) (File No. 24270.)

Order made directing the railway company to file forthwith plans showing culvert to properly drain the lands of Adam Gordon. Work to be completed within two months from the approval of the plans. Mr. Gordon to contribute \$50 towards the expense of the work.

4937. Complaint of the Cowichan Ratepayers' Association and others against the rate charged on grain and mill feeds from Midland points to points in the Cowichan district, B.C. (File No. 24271.) Judgment reserved.

4938. Complaint of the Cowichan Ratepayers' Association on behalf of L. C. Knocker, of Cowichan station, B.C., relative to refusal of the Canadian Pacific Railway to settle claim for case of eggs shipped to Mr. Knocker at Sechelt, B.C. (File No. 24272.)

No action necessary, the railway company having arranged to pay the claim.

4939. Complaint of Arthur L. Watson, Esq., of Duncan, B.C., relative to refusal of the Esquimalt and Nanaimo Railway Company to provide cattle guards at his farm crossing at a point one mile north of Tyee siding. Section 16-17-5, Lomenos district. (File No. 45543.)

No order necessary, the case of the complainant having been removed in so far as the condition of the crossing is concerned.

4940. Complaint of R. P. Finlayson, of Okanagan Landing, B.C., relative to C.P.R. Company closing its crossing giving access to the railway station at that point. (File No. 21905.)

No order made. Board decided to visit the locus.

4941. Complaint of the Automobile Association of Victoria, Vancouver and Seattle, against the freight charge on automobiles between the Mainland and Vancouver Island. (File No. 24317.)

No action necessary the complaint having been withdrawn.

4942. Complaint of municipality of the city of Duncan, B.C., against the E. & N. railway crossing over the Victoria and Campbell River Trunk road, south of Duncan station. (File 9437.1143.)

Order made directing the railway company to install gates at the said crossings to be operated by day and night watchmen. The cost of constructing and maintaining the gates to be borne one-half by the railway company and one half by the city. See order 22817.

4943. Application of the Esquimalt and Nanaimo Railway Co. to amend Order No. 17221 authorizing the municipality of North Cowichan to construct a river road. (File No. 20209.)

Judgment reserved. Matter referred to the Board's chief engineer to report.



4944. In *re* the Esquimalt & Nanaimo Railway Co. and the Anderson Logging Company. (File 22196.) Order of the Board No. 21421.

Referred to the Board's engineer for report.

4945. Application of the Minister of Public Works of the Province of British Columbia for an order under section 237 of the Railway Act directing the Esquimalt and Nanaimo Railway Company to provide and construct for the protection, safety and convenience of the public, a level highway crossing at Alder Street, Riverside Town-site, Cowichan Lake, B.C. (File No. 24482.)

Order to issue in terms of letter of the Minister of Public Works, dated May 26 1914.

4946. In the matter of the location of Palmer Station on the line of the Esquimalt and Nanaimo Railway. (File No. 23838.)

Order made approving the location of the E. & N. Ry. Co.'s station at Palmer, subject to conditions contained in the said order. *See* Order No. 22944.

4947. In the matter of the blocking of the highway near Craig Station on the Esquimalt and Nanaimo Railway. (File No. 24570.)

Order made granting the application subject to the conditions set forth in the order. *See* Order 22535.

4948. Petition of the Ladies Club of Whonnock, B.C., the residents of Whonnock, and Maple Ridge Municipality, for an order directing the Canadian Pacific Railway Company to keep an agent at Whonnock, B.C. (File No. 20276.)

No order necessary, the railway company undertaking to see that freight and express are properly handled.

4949. Application of the C.P.R. Company for approval of plan showing the diversion of Boundary Creek and 20-foot masonry arch and proposed diversion of Government Road and 16-foot concrete arch at bridge 116.1, Similkameen Division, B.C. (File No. 22780.)

No order made, C.P.R. Co. to file an amended plan showing the work agreed to be done by the company.

4950. Petition of the residents of the District of Tynehead and vicinity for station facilities on the line of the Great Northern Railway at Tynehead, B.C. (File No. 23406.)

No further action necessary as counsel for the Great Northern Railway Co. stated that the station has been put in.

4951. Application of the City of New Westminster, City of Port Moody, and municipalities of Burnaby and Coquitlam, B.C., for a temporary level crossing over the tracks of the Great Northern Railway on the North Road, for the purpose of providing for the immediate extension of the British Columbia Electric Railway tracks for a distance along the North Road. (File No. 24332.)

Application withdrawn.

4952. Complaint of the Municipality of Burnaby, B.C., against the alleged overcrowding on cars on the Burnaby Lake Line of the British Columbia Electric Railway Company. (Vancouver, Fraser Valley & Southern Ry. Co.) (File No. 24312.)

Order made providing that the trains set out in the order shall carry in them the additional cars placed in service on the 5th June, 1914.

4953. Consideration of the matter of protection of the crossing of the Great Northern Railway Company at Burnette Street, in the City of New Westminster, B.C. (File No. 9437.973.)

Order made directing the railway company to install gates at Burnette Street. Plans to be submitted by July 10, 1914, and gates to be installed within three months after approval of plans. 20 per cent cost of installation to be paid out of The Railway Grade Crossing Fund, two-thirds balance to be paid by Ry. Co. and one-third by City of New Westminster. Cost of maintenance to be paid two-thirds by Ry. Co. and one-third by City of New Westminster.

4954. Application of the V.V. & E. Ry. & Nav. Co., for authority to expropriate certain lands in the New Westminster District, part of the lands being required for

## SESSIONAL PAPER No. 20c

the purpose of diverting the Gunn Road and the Brunette Road and part for the purpose of providing an overhead crossing over the tracks of said railway company at the North Road; also for an order closing portions of the Gunn Road and Brunette Road; and in the matter of Order No. 19928, dated July 30th, 1913, directing the applicant company to construct a steel bridge over its tracks on the line of the North Road, etc. (Note.) This matter is set down to be spoken to for the purpose of fixing a time for the commencement and completion of the work. (File No. 573.33.)

Judgment reserved.

4955. Resumed hearing of the application of the residents of White Rock, Ocean Park and Crescent, B.C., for an order directing the Great Northern Railway Company to continue its summer round-trip week-end fares throughout the year between Vancouver and New Westminster and the said resorts, also that excursion fares be granted on public holidays between the same points, heard at Vancouver October 27, 1913. (File No. 23303.)

Application refused.

4956. Application of the city of Vancouver, B.C., under section 237, for an order sanctioning a highway crossing over the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Company at Venables street, in the city of Vancouver, B.C. (File No. 24274.)

Order made granting application.

4957. In the matter of the Order of the Board No. 18593, dated March 3, 1913, authorizing the corporation of the city of Vancouver, B.C., to construct a bridge, to be used as a public highway, from Georgia street, in the said city, to Harris street, over the railways of the Canadian Pacific Railway Company and the Vancouver, Victoria and Eastern Railway and Navigation Company; and application of the Canadian Pacific Railway Company for an order directing the said city of Vancouver to bear and pay the expenses of an inspector to be appointed to protect the employees and regulate the handling of the traffic of the said company. (File No. 20060.)

City to pay the item now under consideration.

4958. Complaint of the cities of Vancouver and North Vancouver, B.C., against the change of plans by the Canadian Pacific Railway Company of the North Vancouver Ferry Pedestrian Subway. (File No. 9437-343.)

Order made dismissing the application. See Order No. 22808.

4959. Complaint of the city of Vancouver, B.C., for an order requiring the Canadian Pacific Railway Company to construct a tunnel connecting the Vancouver Front Yards with the False Creek Yards, in the city of Vancouver, B.C. (File 9437-873.)

Board decided that C.P.R. Co., should furnish the city of Vancouver with copies of the plans of the tunnel, and that any property owners interested should be allowed to inspect the same at the City Solicitor's office. That no movement of trains, except light engines and in cases of emergency, are to be made over the crossing in question between 11.45 a.m., and 1.30 p.m., and 5 p.m., and 6.45 p.m.

4960. Complaint of the Elmo Marshall Co., of Vancouver that the Canadian Pacific Railway Company's rate from Clayborn, B.C., to Vancouver, on condensed milk destined to Oriental ports, is excessive and discriminatory with respect to the company's rates from prairie and eastern shipping points of the same article. (File No. 24341.)

No action necessary the matter having been adjusted between the parties.

4961. Complaint of Mrs. Ella Scarlett-Synge on behalf of the Local Council of Women in regard to carrying of milk on freight cars by railway companies. (File No. 0119.)

Referred to the Board's Operating Officer for report.

4962. Complaint of the Hammond Association regarding the stopping of trains at railway stations. (File No. 22677.)

Complaint dismissed.

4963. Application of the British Columbia Express Co., regarding the removal of a temporary bridge built by the G.T.P. across the Fraser River. (File No. 19484.)

Application refused.

1964. Application of the city of North Vancouver that the C.P.R. be compelled to comply with the terms of the Board's Order dated 28th July, 1913. (File No. 13477-1.)

No action taken. Order No. 19815 lapses if the company do not proceed with the work.

4965. Complaint of certain property holders to any further delay on the part of the G.N.R. and the B.C. Electric Ry. Co., and the city of Vancouver in executing the work in connection with the viaduct in the east end of the city. (File No. 20062.)

See judgment of Chief Commissioner, dated November 9, 1914. Appendix "C."

1966. Application of the C.P.R. Co., for approval of its Port Moody and North Shore branch.

No action necessary as Order No. 19894 simply lapses if the company does not proceed with the work.

4967. Application of the City of Vancouver, B.C., for an order sanctioning the location of footings for the purpose of constructing the Dunsmuir Street spur, Canadian Pacific Railway Company.

Order to be settled between the parties and submitted to the Board.

1968. Application of the Board of Trade, Georgetown, Ontario, County of Halton and the Township of Esquesing, for an order directing the Grand Trunk Railway Company to provide and construct a suitable subway where said railway crosses "The Seventh Line" between concessions 7 and 8, said Township of Esquesing, Ont., at or near lot 20, concession 8. (File No. 9437.84.)

See Judgment of Commissioner S. J. McLean, dated July 8th, 1914. Appendix "C."

4969. Consideration of the matter of the Grand Trunk Railway Company crossings by the Berlin & Northern Railway in the City of Berlin, Ontario, and order of the Board No. 21780, dated May 7th, 1914. (File No. 23364.)

Board directed that a half interlocker be installed at derail of the electric and semaphore on the steam railway line to be operated by the Electric Co. at its own cost.

4970. Application of the Lake Erie & Northern Railway Company for an order amending Order No. 19087 approving the location of the line of railway from station 0.00 in the City of Brantford, Ontario, to station 298-53.5 in the town of Galt, Ontario. (File No. 18034.7.)

No action taken. No order necessary.

1971. Application of the Lake Erie & Northern Railway Company, under section 258, for approval of the location of station in the city of Brantford, Ontario, and the plans in connection therewith. (File No. 18034.60.)

Application refused. See order 22247.

1972. Application of the Grand Trunk Railway Company, under sections 237 and 257, for authority to renew the superstructure of Bridge 24, mile 76.9, Bedford Street Brantford, township of Brant, Ontario. (File 15487.10.)

Case struck off the list.

1973. Application of the county of Welland, Ontario, for the rescission of Order No. 20134, dated August 16, 1913, authorizing the Toronto, Hamilton and Buffalo Railway Company to divert the following highways:

Between lot 14, con. 10 and lot 14, con. 11, Township of Pelham.

Between lot 1, con. 13 and lot 1, con. 14, Township of Pelham.

Between lot 9, con. 11 and lot 9, con. 12, township of Pelham.

Between lot 5, con. 12 and lot 5, con. 13, Township of Pelham.

to close those portions of present road allowance to be diverted as aforesaid, with the limits of its right of way and to take lands from Alonzo Jennings, George Dabe Thomas Toor, and Lenima Sutton. (File Nos. 21620.6, 21620.7, 21620.8 and 21620.9.)

Application dismissed. See Order No. 22357.



## SESSIONAL PAPER No. 20c

4974. Application of the Toronto, Hamilton & Buffalo Railway Company, under sections 221, 222 and 223, for authority to construct a spur in the City of Hamilton, Ontario, from a point on the applicant company's Easterly Belt Line of railway and running thence to and through the lands belonging to the Municipal Corporation of the City of Hamilton (City Sewage Disposal Works) and to and into the lands of Fowler's Canadian Company, Ltd. (File No. 22581.6.)

Judgment reserved for two weeks. Plan to be filed by the Fowler's Canadian Company, Ltd.

4975. Application of the Hamilton & Toronto Sewer Pipe Company, Limited, under section 225, for an order directing the G.T.R. Company to provide and construct a suitable siding where the company's railway intersects lands of the applicant company in the township of West Flamboro, Ontario. (File No. 22370.45.)

Case struck off the list.

4976. Complaint of Mr. A. C. Gahan, of Penticton, B.C., relative to damage or depreciation of property on account of location of the Kettle Valley Railway in lot 72, Penticton, B.C. (File No. 11730.88.)

No order necessary, the Board not having any jurisdiction.

4977. Application of the Kettle Valley Railway Company for authority to cross with its main line Vancouver Ave., Farrell Street, Lane, Victoria Ave., Gamble Street, Westminster Ave., Townley Street, Nanaimo Ave., Gamble Street, Fairview Ave., Road on the Pickering Subdivision, Lane (connecting with Creekside Road) Lane, Road along Creekside, Lanes, Haywood Street, Bekhardt Ave., Lane Street, Henry Street, Calgary Ave., Cassar Ave., Fairview Road, in the Town of Penticton B.C. (File 11738.82.)

No order necessary.

4978. Application of P. Coldron for an order directing the Kettle Valley Railway Company to compensate him for damage to his property on Main street, Penticton. (File No. 11738-97.)

No order necessary.

4979. Consideration of the matter of the Grand Trunk Railway Company's train service, Haliburton branch. (File No. 22117.)

Order made directing the G.T.R. Co. to establish a train service on the Haliburton subdivision of its railway, said service to be maintained for a period of three months from the 1st July, 1914. See Order No. 22055.

4980. Application of the Rocmac Road Corporation of America, Limited, Thorold, Ontario, for tenth-class rating in the Canadian Freight Classification on "Rocmac" in carloads. (File No. 19367-38.)

Judgment reserved. Stands for one week, parties to endeavour to arrive at a settlement.

4981. Application of the Standard Paint Company of Canada, for reduced rating on prepared roofing in the Canadian classification. (File No. 19367-35.)

Order made dismissing the application. See Order No. 22880.

4982. Railway companies will be required to show cause why, in view of the waiver in regard to secure packing as set out in the Companies' Special Contract Release of Responsibility, the said release should not be limited to damages connected with, or arising from breakage or chafing. (File No. 23507.)

Order made settling the form of release, being a form of special contract limiting the liability of the carrier in respect of the carriage of the traffic mentioned in the order. See General Order 136.

4983. Application of the Kootenay Central Railway Company (C.P.R.) under section 258 for approval of the location of station at Edgewater, mile 59.5 (south of Golden), B.C., on said Kootenay Central Railway. (File No. 1136-45.)

Order made granting the application subject to conditions set forth in the order. See Order 22137.

4984. Application of the Kootenay Central Railway Company (C.P.R.) under section 258 for approval of the location of station at Luxor, mile 54.4 (south of Golden), B.C., on said Kootenay Central Railway. (File 1136-44.)

Order made granting application.

4985. Application of the Kootenay Central Railway Company (C.P.R.) under section 258 for approval of the location of station near Athalmer and Invermere, B.C., at mileage 92 of said railway. (File No. 1136-13.)

Order made in accordance with the judgment of the Chief Commissioner.

4986. Application of the Wilmer Improvement Association for an order directing the Kootenay Central Railway (C.P.R.) to provide siding accommodation and station at Wilmer, B.C. (File No. 1136-50.)

Order made in accordance with the direction of the Chief Commissioner.

4987. Petition of the residents of the city of Columbia, B.C., against the proposed abandonment by the Canadian Pacific Railway of their station at that point. (File No. 21642.)

No action taken as no one appeared.

4988. Complaint of the Martin Prairie Farmers' Institute, of Pritchard, B.C., relative to train service of the Canadian Pacific Railway Company and application for the appointment of a station agent at that point. (File No. 23731.)

If necessary an order will issue upon the lines suggested by the Board's Inspector in his report.

4989. Complaint of F. W. McLaine, Mayor of Greenwood, B.C., against the proposed discontinuation by the Canadian Pacific Railway Company of daily passenger and mail service between Midway and Nelson, B.C. (File No. 24400.)

No order necessary, service having been restored.

4990. Complaint of the Mountain Lumber Manufacturers' Association and the Canadian Western Lumber Co., that the Canadian Pacific's lumber rates from shipping points in the Kootenay district and on the Crowsnest line are excessive and discriminatory compared with the company's rates from main line shipping points in British Columbia to prairie points. (Re-hearing, following judgment in the general Western Rates Case.) (File No. 16177-1.)

See judgment of Chief Commissioner, dated February 9, 1915. Appendix "C."

4991. Application for the rescission of Order of the Board No. 16874, dated June 26, 1912, relieving the Canadian Pacific Railway Company from fencing and maintaining fences in so far as it affects the lands of Mrs. Fraser about one half or three quarters of a mile east from Revelstoke, B.C. (File No. 9994-64.)

No Order necessary. Matter referred to the Board's Operating Officer to inspect and report.

4992. Application of the C.P.R. Co. for approval of plan showing the diversion of Boundary Creek and 20 feet masonry arch and proposed diversion for Government Road and 16 feet concrete arch at bridge 116.1 Similkameen, B.C.

This matter is set down to enable Mr. J. D. McLean to make such representation as he desires. (File No. 22780.)

Railway Company to file an amended plan showing work agreed to be done.

4993. Complaint of the Farmers' Institute of the province of British Columbia Revelstoke, regarding the condition of the fences and cattle guards along the line of the Canadian Pacific Railway on both sides of the Columbia River. (File No. 9994-145.)

Order made rescinding Order No. 16874 in part, as set forth in the Order. See Order 22635.

4994. Application of Mrs. C. M. Fraser, of Revelstoke, B.C., for a farm crossing over the tracks of the Canadian Pacific Railway one half or three quarters of a mile east of Revelstoke Station on the main line of the Canadian Pacific Railway.

Order made pursuant to provisions of Section 253 of the Railway Act, granting the application.

## SESSIONAL PAPER No. 20c

4995. Consideration of the matter of the first crossing over the Canadian Pacific Railway east of Herbert, Sask., and the present layout of the tracks at that point. (File No. 9437.978.)

Order made relieving the C.P.R. Co. from speed limitation imposed by Order 19500. See Order 22618.

4996. Application of the Craigmyle Board of Trade, Craigmyle, Alberta, for a station at Craigmyle on the Goose Lake Extension of the Canadian Northern Railway Company. (File No. 24291.)

Order made directing the Railway Co. to erect a third-class station at Craigmyle by the 30th August, 1914. See Order 22101.

4997. Application of G. B. Field, of Strangmuir, Alberta, for an Order directing the Canadian Pacific Railway Company to establish stock yards at Carseland, Alberta. (File No. 24373.)

No Order necessary, company undertakes to establish stock yards within one month.

4998. Application of the Rural Municipality of Mountain View, No. 310, on behalf of Mr. P. P. Dick, for an Order directing the Canadian Pacific Railway Company to provide an open crossing with cattle guards at the road in S.W. $\frac{1}{4}$ , Sec. 7-31-1, W. 5th M., Alberta. (File No. 618.53.)

Referred to Board's Inspector for report.

4999. Complaint of the Ross-Saskatoon Lumber Company, Ltd., of Waldo, B.C., relative to refusal of the Canadian Pacific Railway Company to continue their Waldo Branch down from Baker Lumber Company's Mill to connect up with the complainant's plant at Waldo, B.C. (File No. 24399.)

Order made authorizing construction of spur under Section 226 of Railway Act, to Ry. Co. to file by 22nd July a plan and to serve a copy thereof on the G.T.R., setting out the manner in which the proposed tracks of the Great Northern are to be crossed. Board's Engineer to make an estimate of the cost. Spur to be completed within 60 days after the amount has been deposited in the bank.

5000. Application of the city of Lethbridge for an extension of the Express Delivery Limits to include the City's Industrial Building. (File No. 4214.101.)

No Order to be made until the road is put in proper condition by the city, if any dispute arises in this connection, Board's Inspector to make report.

5001. Application of the Western Canada Stone Co., of Calgary, Alberta, for an extension of the express collection and delivery limits at Calgary, so as to include the applicant's plant. (File No. 4214.126.)

Order made dismissing the application. See Order No. 22093.

5002. Application of the City of Calgary, Alberta, for an Order allowing all poles in lanes in the city of Calgary, Alberta, to remain as they now stand in regard to clearance. (File No. 1750.79.)

Judgment reserved. Board to visit the locus.

5003. Application of the Calgary Board of Trade for an Order directing the construction of a spur on the Canadian Pacific Railway at Nightingale, Alberta, to connect the Canadian Pacific Railway lines with the Canadian Northern Railway lines for the interchange of traffic. (File No. 21181.)

Application dismissed.

5004. Application of Walfred Hornstrom, of Calgary, Alta., under Section 233, for an Order to determine compensation to be paid by the G.T.P. Branch Lines Company for damage to his property by raising of the level of the street in front of his property on Argyle Ave., or 8th Avenue East, in the city of Calgary, Alberta. (File No. 10821.96.)

Judgment reserved.

5005. Application of Rebecca Waters and John Cornfoot, of Calgary, Alberta, under Section 235, for an Order to determine the amount of compensation to be paid



6 GEORGE V, A. 1916

by the G.T.P. Branch Lines Company for damage to their property by the raising of the level of Argyle Avenue or 8th Street East, in the City of Calgary, Alberta. (File No. 10821.97.)

Judgment reserved.

5006. Application of the Canadian Pacific Railway Company for authority to open for the carriage of traffic bridge at mile 0.7 Red Deer Subdivision (9th Avenue Subway) Calgary, Alberta, and application of the City of Calgary, Alberta, relative to material to be used for paving the subway at this point. (File No. 18228.)

Order made dismissing the application. See Order No. 22804.

5007. Application of the Calgary & Fernie Railway Company for an Order authorizing it to construct a line of railway from a point in Lot 8493 in Kananaskis Pass, thence running in a southerly direction to a point in Lot 4135, being from Mileage 0 to 63. (File No. 24165.)

Order made granting the application subject to conditions set forth in the Order. See Order 22172.

5008. Complaint of A. Low, of Calgary, that the Canadian Pacific Railway Company refuses him the privilege of chartering a train for a Sunday School excursion to Banff. (File No. 24305.)

Application dismissed.

5009. Consideration of the matter of requiring the Grand Trunk Pacific Railway Company, the Canadian Pacific Railway Company and the Canadian Northern Railway Company to establish interchange tracks between their respective railways in the city of Calgary, Alberta. (File No. 10821.95.)

Stands, the city of Calgary to put in written submissions and the railway companies to endeavour to reach a settlement.

5010. Application of the Railway Commission of Montana that Great Northern Railway trains Nos. 251 and 252, Michel Branch, run through to Kalishell, Montana, and connect at Rexford with main line trains Nos. 2 and 3. (File No. 23238.)

No Order necessary.

5011. Application on behalf of the town of Strathmore, Alta., for an Order requiring the Canadian Pacific Railway Company to stop trains Nos. 13 and 14 at Strathmore. (File No. 24635.)

Board decided that it would not be justified in ordering an increased service under present conditions. Complainants at liberty to renew their application again if traffic conditions should warrant it.

5012. *Re* C.N.R. and C.P.R. interchange tracks at the premises of the Canada Cement Company, Calgary, Alberta.

Order made in accordance with the joint recommendation of the Board's Asst. Engineer and Chief Operating Officer with the exception that the first recommendation be changed to make the centre thirteen feet instead of fourteen feet.

5013. Application of the Board of Trade, Stettler, Alta., for an Order directing the C.P.R., C.N.R. Companies to provide a suitable transfer track connecting their railways, pursuant to the Board's Order No. 15084, dated 11th Sept., 1911. (File No. 15800.)

Order made granting the application.

5014. Application of the Rural Municipality of Mountain View, No. 310, to open railway across the North and South road west of North West 19-31-1-5, and to close crossing on the east and west road north of North East 26-33-2-5. (File No. 21068.)

Order made granting the application.

5015. Application by G.T.P. Ry. Co., under sections 222 and 237 of the Railway Act, for an order authorizing the construction, maintenance and operation of two spurs for the Ferintosh Gravel Co., Ltd., and Inglis MacDonald and Thom. (File No. 22372.17.)

Order made granting the application. See Order 22146.

## SESSIONAL PAPER No. 20c

5016. Application of the city of Calgary and the Western Coöperage Co. under section 226 for an order directing the C.P.R. Co. to construct a spur to an industrial site Nose Creek, Calgary. (File No. 22398-16.)

Order made granting the application subject to conditions set forth in the order. See Order 22258.

5017. Application by the G.T.P. Ry. Co. for revision of order relative to station facilities between Tofield and Deville, Alta. (File No. 19275.)

Order made amending Order No. 21937 by dispensing with construction of stock pen.

5018. Application by the Atlas Lumber Co. and others for a direction fixing an earlier date for the reduction in freight rates on coal which is to be effective September 1, 1914. (File No. 18755-17.)

Board decided that all that was required is that the coal in question shall be shipped after July 1 and not used but held in storage until September 1, 1914.

5019. Application by the C.N.R. for approval of two temporary spurs to serve the contractors on erection of government terminal elevator at Calgary. (File No. 22398-15.)

Order made on consent granting the application.

5020. Application of the city of Calgary to vary order of the board No. 15308 under section 227 of the Railway Act. (File No. 15489.)

Order made authorizing C.P.R. to operate its trains over the crossing without being first brought to a stop. See Order No. 22908.

5021. Application of the city of Medicine Hat, Alberta, for the rescission of Order No. 19624, dated July 11, 1913, authorizing the construction of subway where the tracks of the Canadian Pacific Railway Company cross (Esplanade) River street, Medicine Hat, and for an order authorizing the construction of a subway where the tracks of the Canadian Pacific Railway Company cross Toronto street in the city of Medicine Hat, Alberta. (File No. 21979.)

Judgment reserved.

5022. Application of the Canadian Northern Western Railway Company, under section 237, for authority to construct its line of railway across the main line of the Canadian Pacific Railway Company in the city of Medicine Hat, Alberta. (File No. 23356.)

Order made granting the application.

5023. Application of the Medicine Hat Southern Railway Company under section 227, for leave to cross the Canadian Pacific Railway Company's line of railway (overhead crossing) between S.E.  $\frac{1}{4}$ , sec. 35, twp. 11, range 6, W. 4 M., Alberta. (File No. 24084.)

Order made granting the application. See Order No. 22358.

5024. Application of the Maple Leaf Milling Co., Medicine Hat, regarding local switching rates on brick. (File No. 24506.)

Application withdrawn.

5025. Application of the municipal corporation of the city of Medicine Hat for an order under sections of the Railway Act giving liberty to the C.P.R. Co. to operate one or more passenger trains on the railway known as the Ansley Spur from a point at the Junction of the C.P.R. Co. in the city of Medicine Hat to a point lying at or near the Exhibition Grounds in the city of Medicine Hat on the 1st day of July, 1914. (File No. 22576.)

No action taken. Referred to board's engineer for a report.

5026. Application for a spur from the C.P.R. to the Maple Leaf Milling Co's. plant in Medicine Hat. (File No. 22397-6.)

Order made granting the application.

5027. In the matter of applications under subsection (c) of the Board's General Order No. 65. (File No. 1750-18.)

The matter referred to the Board's Operating Officer to report.

6 GEORGE V, A. 1916

5028. Application by the Canadian Pacific Railway to have Order No. 21821 varied by requiring the municipality to do the grading and to have the apportionment of the cost decided by the Board before the work is done. (File No. 8262-50.)

Order made directing the C.P.R. Co. at its own expense to acquire the land necessary for the diversion involved in the construction of the roadway required under Order No. 21821. See Order No. 22468.

5029. Application of the Grand Trunk Pacific Branch Lines Company under Section 258 for approval of station site and station at Lawson, mile 58, on its Moosejaw Northwest Branch, in Section 9-22-5, W. 3 M., Sask. (File No. 24118.)

Order made approving the location of the applicant companies station at Lawson. See Order No. 22118.

5030. Application of the village of Vibank, Sask., for an order directing the Canadian Railway Company to construct a permanent crossing on its line of railway at a point where a temporary crossing has been established in the village of Vibank, Sask. (File No. 2424-5.)

No order made. Company undertakes to have the road surveyed and the municipality to do the work at its own expense.

5031. Consideration of the matter of the first crossing over the Canadian Pacific Railway east of Herbert, Sask., and the present layout of the tracks at that point. (File No. 9437-978.)

Board directed that Order No. 19500 should stand until the building occupied by the Atlas Coal Co. is removed and the clearance post moved west 100 feet from the point where it now stands.

5032. Application of James Carr, Lakeview farm, Viceroy, Sask., for an order directing the Canadian Pacific Railway Company to construct a railway crossing on his property in the S.E.  $\frac{1}{4}$  section 16-6-26, W. 2 M., Sask. (File No. 22131.)

Board decided that no Order was necessary and that no further action need be taken in regard to this matter.

5033. Application of the Board of Trade of Forward, Sask., for a re-consideration of clause 1 of Order of the board No. 21560, dated March 26, 1914, relative to the Canadian Pacific Railway Company's station at that point. (File No. 6713-28.)

Application to furnish freight, passenger and telegraph service refused, the railway company undertaking to complete the spur ordered by Order 21560 within three weeks from June 24, 1914.

5034. Application of the Grand Trunk Pacific Railway Company for re-consideration of Order of the Board No. 21858, dated May 22, 1914, relative to the application of the rural municipality of Caron No. 162, Sask., for an order directing the G.T.P. Ry. to reconstruct the highway crossings east and north of section 9, township 18, range 28, west of the second meridian, Sask. (File No. 16305-4.)

The question of construction of a crossing at the point in question, mile 8-5, to be taken up by the railway company with the Board of Highway Commissioners for Saskatchewan. Board to be advised of result.

5035. Complaint of the Board of Trade of Neville, Sask., relative to the train and mail service at that point on the Swift Current southeasterly branch of the Canadian Pacific Railway Company. (File No. 17157-18.)

Board decided that no order should issue for increased service at the present time as the Board felt that it would not be justified under present conditions in issuing an order.

5036. Complaint of the Board of Trade of Fort Qu'Appelle, Sask., relative to alleged lack of proper platform and freight shed accommodation at that point on the line of the Grand Trunk Pacific Railway Company. (File No. 22349.)

No order necessary, the company stating that the freight shed accommodations have been given and the platform repaired.



## SESSIONAL PAPER No. 20c

5037. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to delay by the Grand Trunk Pacific Railway Company in completing its line to Moosejaw, and the erection of station there. (File No. 10863-62.)

No order necessary. Board's engineer to ascertain whether the layout is dangerous or not.

5038. Application of the Canadian Pacific Railway Company under sections 159 and 237, for an order approving location of its Asquith to Conquest branch from a point on Pheasant Hills branch near Asquith for 41.62 miles to a point near Conquest on the Moosejaw northwesterly branch, and for an order authorizing the applicant company to construct across highways mile 0 to 41.62. (File No. 18031-1.)

Board decided that the railway was not to be built along highway, the C.P.R. to file plans showing new location.

5039. Petition of the Saskatchewan Grain Growers' Association, Keddleston branch, of Keddleston, Sask., for an order directing the Canadian Pacific Railway Company to appoint a station agent at Keddleston, Sask. (File No. 21765.)

The company stated that an agent had been appointed, the board therefore made no Order in this matter.

5040. Application of the Helendale Gravel Company, Ltd., to use a spur track on the Canadian Northern Railway about 30 miles north of Regina, Sask. (File No. 22370.2.)

Order made granting the application. See Order 23170.

5041. Application of the city of Regina, Sask., for authority to proceed with the closing of Hamilton street where it crosses the C.P.R. in the city of Regina, in pursuance of the terms of Order of the Board No. 12801, and the construction of an overhead foot-bridge at this point. (File No. 999-1.)

Board decided no Order was necessary.

5042. Application of the Board of Trade of Regina, Sask., for a re-opening of the matter of the collection and delivery limits of the express companies in the city of Regina, Sask., as set forth by Order of the Board No. 21629, dated April 11, 1914. (File No. 4214-106.)

Order made that until further Order of the Board the tolls of the Express Companies shall include the collection and delivery of express freight in that portion of the city of Regina as set out in the order; also rescinding Orders of the board Nos. 14906, 21629. See Order 22374.

5043. Application of the Board of Trade of Swift Current, Sask., for an Order directing the Dominion Express Company to increase the area of the district served by them in the town of Swift Current, Sask. (File No. 4214-310.)

Order made extending delivery limits as set out in the Order.

5044. Application of the Board of Trade of Lawson, Sask., for an Order directing the Canadian Pacific and Grand Trunk Pacific Companies to install a transfer track between their respective railways in the city of Moosejaw, Sask. (File No. 6713-68.)

Application dismissed.

5045. Application of the Board of Trade of Verwood, Sask., for a highway crossing over the tracks of the Canadian Pacific Railway. (File No. 21476.)

Order made upon the terms agreed to by the parties interested.

5046. Application of the town of Broadview, Sask., for an Order directing the Canadian Pacific Railway Company to provide and maintain proper drainage facilities for their shops, bunk houses, and works generally at Broadview.

Matter stands, the applicants to give in writing sections of the Act under which the Board can deal with this application.

5047. Application of the rural municipality of Sherwood, No. 159. (File No. 24495.)

No action taken.

6 GEORGE V, A. 1916

5048. Application of the Vera Trading Company for an Order requiring the Grand Trunk Pacific Railway Company to construct a station at Vera. (File No. 24574.)

No Order necessary, the Company agreed to erect a standard shelter station building and a platform.

5049. Application of the rural municipality of Morris No. 312, for an Order directing the G.T.P. Ry. Co. to build a crossing across the main line of its railway about half way between miles 117 and 118 just west of the townsite of Zelma, and on the centre line running north and south through section 21, township 33, range 28, west of 2nd Meridian, Sask. (File No. 10795.66.)

Board granted permission to municipality to use the present temporary crossing until board's engineer makes a report as to whether a temporary crossing should be put in or not.

5050. Application of James McKay, M.P., for an Order directing the G.T.P. Co. to place a siding where its main line running into Prince Albert crosses the South Saskatchewan river at St. Louis. (File No. 17913.)

Order made in accordance with report of operating officer and assistant engineer.

5051. Application of the municipality of Viscount No. 341, Sask., for a pipe crossing under the tracks of the C.P.R., Pheasant Hills branch, section 29-34-26, W. 2 M. and for an Order requiring the railway company to put its right of way in such shape as will allow farmers to deliver their grain at the elevators situated on the switch in the said village. (File No. 965.17 and File No. 965.18.)

Order made directing the C.P.R. Co. to deepen the partially constructed ditch through the station grounds at Viscount to a depth of two feet and do certain other work as set out in the Order, work to be completed by Sept. 1, 1914. See Order No. 22075.

5052. Application of the G.T.P. Ry. Co. to be relieved from complying with Order No. 21653 (Zelma). (File No. 17605.)

Order made that railway company install an agent at Zelma, G.T.P. Co. to be treated as having now made an application for leave to discontinue on the ground that the returns only justify the employment of an agent during the shipping season, on which appeal judgment is reserved.

5053. Complaint made by the Board of Trade of Belle Plaine, Pense and Grand Coulee that trains Nos. 61 and 62 of the C.P.R. under the new time table taking effect May 28, 1914, no longer stop at any of these stations. (File No. 24479.)

Application refused.

5054. Application of the Board of Trade of Brandon, Manitoba, for an order directing the Grand Trunk Pacific Railway Company and the Canadian Northern Railway Company to establish joint terminals in the City of Brandon, Manitoba. (File No. 18030.)

Judgment reserved, Board to visit the locus.

5055. Application of the Manitoba Engines, Limited, for a commodity rate on pig iron from Port Arthur and Fort William to Brandon, in proportion to the rate prescribed in the judgment in the Western Rates Case to apply from the same points to Winnipeg, Man. (File No. 18755.12.)

No action necessary, the matter being covered by the judgment of the board in the Western Rates Case.

5056. Petition of the Grain Growers' Association of Storthosks and Nottingham, Sask., *re* train service on the Griffin branch (Lauder Extension) of the Canadian Pacific Railway. (File No. 3693.8.)

No order necessary, complainant to take the matter up with the railway companies affected.

5057. Application of the Carnduff Board of Trade and the residents of the villages adjacent to Frobisher, Sask., for an order directing that a transfer switch

## SESSIONAL PAPER No. 20c

be constructed between the Grand Trunk Pacific Railway and the Canadian Pacific Railway at Frobisher, Sask.

Order to go for transfer track unless the railway companies show cause to the contrary within ten days.

5058. Application of the Brandon Board of Trade regarding train service in and out of the city over the Canadian Pacific, the Canadian Northern and the Great Northern Railways. (File No. 24464.)

Application withdrawn.

5059. Application of the Middle West Federated Boards of Trade in conjunction with the Brandon Board of Trade as follows:

1. For a reduction in freight rates on coal from Fort William to Brandon and points in the district.

2. For a special commodity rate on news print from Ottawa to Brandon.

3. For a special commodity rate on pig iron from Fort William or Port Arthur to Brandon.

4. For a transfer track connecting the tracks of the Canadian Pacific and the Canadian Northern railways at Deloraine, Man.

5. That the railway crossings in the town of Boissevain and in the rural municipality of Morton be put into better condition and cattle guards re-constructed so as to afford more protection to live stock. (File No. 24465.)

Board decided that no order was necessary in respect to the various matters covered by the application.

5060. Complaint of the Grain Growers' Association of Harmsworth, Sask., against the Canadian Pacific Railway Company regarding station facilities on the Virdeñ-McAuley subdivision.

No order necessary.

5061. Petition of the residents of Ethelbert, Man., and district with reference to the inconvenient and dangerous position of the Canadian Northern Railway station.

Referred to boards operating officer to take up with the railway company and report as to whether a satisfactory arrangement has been made.

5062. *Re* loading platform at Boissevain, Man. (File No. 24572.)

No action necessary, the complainants having arranged to take the matter up direct with the railway company.

5063. Complaint of Richard Euler, of Waldhof, Ontario, relative to train service on the Ignace subdivision of the Canadian Pacific Railway Company. (File No. 23922.)

No order necessary. Improved service having been put into effect by the railway company.

5064. Application of the Public Utilities Commission of Manitoba for an order permitting and defining the terms of certain proposed work upon or under the railway tracks of the Canadian Pacific Railway Company where they cross Portage ave. through lot 44 of the parish of St. James that is to say: (a) For the widening of the present passage or subway now under the said Canadian Pacific Railway Company, and now used by the Winnipeg Electric Railway Co., so as to permit of the construction of two street railway tracks therein, or (b) For the construction of a permanent subway for all traffic across the said C.P.R. (File 386.)

No further action necessary, pending the decision to be given by the Public Utilities Commission of Manitoba.

5065. Application of the Manitoba Sand and Gravel Company, of Winnipeg, Manitoba, under sections 315 and 323, for an order directing the Grand Trunk Pacific Railway Company to amend its Special Freight Tariff C.R.C. No. 279, dated November 21, 1912, as to item 10 on page 5, so as to provide an equitable rate on sand and gravel from Vivian station, Manitoba, to the city of Winnipeg, Manitoba. (File No. 5782-10.)

Order made dismissing the application.



5066. Consideration of the matter of construction of the subway at the crossing of the C.P.R. Co. at Salter street, Winnipeg, Man. (File No. 3084.)

Application granted, detailed plans to be filed by the City of Winnipeg, the cost of the work to be borne by the city.

5067. Application of the C.P.R. Co. under Sections 232 and 237 for authority to construct a spur for the V. D. Robinson & Sons, Ltd., in Parish Lot 37, St. John, city of Winnipeg, Man. Adjourned hearing. (File No. 22319-9.)

Stands to await the findings of Judge Robson upon the matter submitted to him.

5068. *Re* Winnipeg street railway crossing, crossing the Selkirk branch of the Canadian Pacific Railway on the Selkirk avenue and McPhillips street, Winnipeg, Man., authorized by Order No. 15449, dated September 15, 1911, and crossing of the Canadian Pacific Railway spur of the Winnipeg Industrial Exhibition along side the Winnipeg Beach branch at Selkirk avenue, Winnipeg, authorized by Order No. 21287, dated January 29, 1914. Adjourned hearing.

Struck off the list.

5069. Complaint of James Auld, of Winnipeg, Manitoba, relative to train service of the Canadian Pacific Railway Company between Winnipeg and Lac du Bonnet, Man. (File No. 24302.)

No action taken, pending the filing of any further submissions the complainant may desire to make in the matter.

5070. Application of the David Bowman Coal and Supply Co., Ltd., for an order authorizing the construction of a spur to connect with the Canadian Northern Railway at a point north of Oak Point, Man., thence eastwardly to the southwest quarter of section 18, range 4, west, to serve the applicant's company's lime kilns and quarries. (File No. 22370-65.)

Order made granting the application.

5071. Application of the rural municipality of Fort Garry, Manitoba, for an order directing the Canadian Northern Railway Company to provide a proper and suitable subway under its tracks where it crosses Pembina Highway, Winnipeg, Man. Adjourned hearing. (File No. 20311-1.)

Order made dismissing the application.

5072. Application of the Winnipeg Sandstone Brick Company, Ltd., for approval of spur crossing Pembina street, from C.N.R. siding on east side of the railway workshops to the Winnipeg Sandstone Brick Company, Ltd., on the opposite side of Pembina street.

The Blackwoods, Limited, and any other persons interested to show cause why the Blackwoods, Limited, spur should not be extended southerly to the premises of the Winnipeg Sandstone Brick Company. (Adjourned hearing.) (File No. 22434.)

Judgment reserved.

5073. Application of the city of Winnipeg, Manitoba, for a right of way (a wagon road) in the form of an overhead bridge or a subway across the new railroad yard of the C.P.R. Co., in connection with the Winnipeg transmission line, Kildonan, Man. (Adjourned hearing.) (File No. 1487-5.)

No order necessary.

5074. Application of the city of Winnipeg, Man., for an order directing the C.P. R. Co., to take up and remove from and off Selkirk avenue in the city of Winnipeg, Man., spur track which connects the Selkirk branch of the C.P.R. immediately north of Selkirk avenue aforesaid, and to connect said spur with the said Selkirk line of the C.P.R. south of Selkirk avenue. (Adjourned hearing.) (File No. 23122.)

Stands to await findings of Judge Robson upon the matter submitted to him.

5075. Application of the rural municipality of St. Andrews, Man., for an order directing the C.P.R. Co., to construct and maintain crossings over its tracks on lots 74 and 78, and for an order forbidding the company from removing or discontinuing the use as a station of its Victoria Park station on the Winnipeg Beach branch.

## SESSIONAL PAPER No. 20c

Order made authorizing the construction of the crossings at the expense of the municipality. As to the station at Victoria Park, the Board's inspector to report upon the matter.

5076. Application of E. C. Unger, for the extension of express collection and delivery limit of the express companies in Winnipeg so as to include Sherburn street to No. 638. (File 4214-145.)

Order made that until further ordered by the Board the tolls of the express companies operating in the city of Winnipeg shall include the collection and delivery of express freight in all thoroughfares reasonably passable for express wagons in that portion of the city of Winnipeg specifically set out in the order. Order No. 18413, dated December 31, 1912, rescinded. See order No. 22246.

5077. Consideration of the matter of the request of the city of Winnipeg, Man., for the consideration of a subway at Talbot ave., Winnipeg, where it is crossed by the tracks of the Canadian Pacific Railway Company. (Adjourned hearing.) (File No. 9437-279.)

Order made directing the city to construct a subway at its own expense, if it desires to do so. City to advise the Board whether it intends to avail itself of the alternative referred to in the oral judgment of the Chief Commissioner.

5078. Application of the Tuxedo Park Co., Ltd., The Canada Cement Co. Ltd., and South Winnipeg, Limited, for an order directing the G.T.P. Ry. Co. to receive, forward and deliver upon and from the existing spur now serving the property of the applicants. (File No. 15772.)

Judgment reserved. Board's assistant engineer to take the matter up with the interlocker engineer and report to the Board.

5079. Petition of the residents of the village of Lac du Bonnet, Manitoba, that the Canadian Pacific Railway Company be directed to build a platform at a point opposite the village and have the local train stop night and morning. (File No. 29348.)

Application refused.

5080. Petition of the Grain Growers' Association of Storthoaks and Nottingham, Sask., *re* train service on the Griffin branch (Lauder extension) C.P.R. (File No. 3693-8.)

No action taken, C.P.R. Co. agreeing to put into effect on September 27, 1914, new timetable which will give two trains per day over the entire branch.

5081. Applications on behalf of the town of Winnipeg Beach and the rural municipality of Saint Andrews for an order directing the Canadian Pacific Railway Company to restore the daily train service on its Winnipeg Beach branch and to discontinue the tri-weekly service of trains recently put into force.

No order necessary, parties having arranged matters between themselves.

5082. Consideration of the question whether, in assessing demurrage, the free time allowance for placement, customs entry, and unloading, under rule 2 of the Car Service Rules, should be combined or treated separately. (Application for interpretation by J. H. Ashdown Hardware Company, Winnipeg, and Canadian Freight Association, Winnipeg.) (File No. 1700-8.)

Application withdrawn.

5083. Application of the city of St. Boniface, Man., for the extension of express collection and delivery limits fixed by Order No. 19849, dated May 30, 1913. (File No. 4214-159.)

Order made granting the application and rescinding Order No. 19849. See Order No. 22231.

5084. Application of the city of Winnipeg, Manitoba, for the extension of the express collection and delivery limits in the Sixth Ward of the said city.

Board directs order to go in accordance with Inspector Shinnick's report.

5085. Application of the Canadian Oil Companies, Limited, for an order authorizing the construction of a proposed spur from the line of the Canadian Pacific Railway across Gordon ave. to the property of the Canadian Oil Companies, Limited, in the city of Winnipeg.

6 GEORGE V, A. 1916

Order made granting the application provided the city is satisfied with the crossing over the street. Railway company to submit an estimate of the cost of the spur and the applicant company to be allowed a rebate of \$2 per car.

Application refused.

5086. Application of the C.P.R. Co. for an order repealing Order No. 20808 dated January 7, 1914, and reinstating Order No. 20808 dated November 30, 1913. (File No. 23255.)

Order made refusing the application. See Order No. 22112.

5087. Application of the city of Winnipeg for an order requiring the C.P.R., the C.N.R., and the G.T.P. railway companies and the Great Northwest Telegraph Co. to remove from all the streets within a stated area all their poles, cables and wires and to place the same underground. (File No. 24557.)

No action taken. Matter to be taken up by the city of Winnipeg with the railway companies.

5088. Application of the city of Winnipeg for an order requiring the C.P.R. Company to construct a spur track from the main line of the C.P.R. (Nelson cut-off) to serve the applicant's gravel pit on the south half of the northeast quarter of section 5, township 12, range 5 E. (File No. 22370-33.)

Order made granting the application.

5089. Application of the rural municipality of Springfield, Man., for an order directing the removal of the spur track maintained by the Birds Hill Sand Co., over part of the road allowance between sections 23 and 24, and 25 and 26, 11-4 east and requiring restoration of the road allowance to the condition it was before the spur track was put in, or for terms and conditions of the continued user to be fixed by the Board. (File No. 5680. Case No. 2308.)

Referred to the Board's engineer to inspect and report as to the ditches, drainage, culverts and grade of the highways, the Bird's Hill Sand Co., Ltd., undertaking to have these put in proper condition.

5090. Application of the C.P.R. *re* proposed industrial tracks of the Winnipeg Paint and Glass Co. (File No. 22316-17.)

Supplemented order made authorizing construction of spur from the main spur.

5091. Application of the C.N.R. on behalf of the Builders' Supply Co., for an order under sections 222 and 237 of the Railway Act for an order to construct a spur through sections 12, 11 and 2, township 15, range 3, W.P. 11, mile 0 to 11-1.25. (File No. 22370-74.)

Order made granting the application. See Order No. 22242.

5092. Application of the Winnipeg River Co. to make connection on lot 26, mile 6, of the C.P.R. (Lac du Bonnet branch), for a spur out to the gravel pit of the Winnipeg River Railway Company. (File No. 6713-77.)

A formal application to be filed by the applicant company and plans to be submitted to the Board's engineer when, if satisfactory, an order will issue under section 226 of the Act.

5093. Application of the C.N.R. to remove the connection between the C.P.R. and the railway of the Winnipeg joint terminals at Higgins avenue in the city of Winnipeg. (File No. 23015.)

Order made refusing the application, the Sawyer-Massey Co., Ltd., the Dysen Co., Ltd., the J. H. Ashdown Hardware Co., Ltd., the Wilkinson-Kompass, Ltd., to continue to have switching from the C.P.R. Co. See Order 23177.

5094. Application of the municipality of the township of Oliver, Ontario, for an order directing the Canadian Pacific Railway Company to provide a crossing over its line of railway at the main road between lots 4 and 5, township of Oliver, Ontario. (File No. 23569.)

Order made directing the railway company to provide a crossing, the cost to be borne one-half by the railway company and one-half by the municipality.



## SESSIONAL PAPER No. 20c

5095. Complaint of the township of Oliver, Ontario, relative to alleged inadequate train service furnished by the Canadian Pacific Railway Company at Murillo, Ontario. (File No. 5638.)

Order made directing the C.P.R. Co. to stop its train No. 3 on flag signal at Murillo station, the company to be at liberty to cancel the present arrangement of stopping trains 7 and 11 at said station. See Order 22457.

5096. Application of the municipality of Neebing, district of Thunder Bay, Ontario, for an order opening up the proceedings which may have been taken by the Canadian Pacific Railway Company in connection with the construction by the railway company of highway crossing across the 20th side line, township of Neebing, Ontario. (File No. 24233.)

No order necessary, the railway company undertaking to do the necessary work at once.

5097. Complaint of the city of Fort William, Ont., and property owners, relative to the condition of the Grand Trunk Pacific Railway on Empire avenue, Fort William, Ontario. (File No. 22435.)

Order made that the speed of all trains operated by the railway company along Empire avenue in the city of Fort William be limited to a rate not exceeding six miles an hour. See order 22660.

5098. Application of the city of Fort William, Ont., et al, under sections 226 and 227, for an Order directing the C.P.R. to provide a spur from its main line in the city of Fort William along Neebing avenue, crossing the C.N.R. at grade, and street railway and highway at Montreal street, so as to connect with spur to the industries of the applicants; also for an Order allowing the spur to be constructed across the G.T.P. Ry. branch line on Montreal street.

(Note.) Board will consider representations of parties interested as to payment of additional cost in connection with construction of this spur. (File No. 19669, part 2.)

Parties to come together and arrange the matter and to write the board.

5099. Application of the city of Fort William, Ont., under sections 227, 235 and 243, for an Order permitting the city to cross the tracks of the C.P.R., C.N.R. and G.T.P. Rys. with its street railway where such tracks cross Heath street and Montreal street in the city of Fort William, Ontario, and for an Order repealing or amending Order No. 11330 and for an Order to compel the said railway companies to provide protection at all of the highway crossings of said railways aforesaid on Heath street and Montreal street and in each case to proportion the costs of construction and maintenance thereof among the interested parties. (File No. 22479.)

Stands until the city requests it to be brought on again.

5100. Application of the Canadian Pacific Railway Company under section 29 for an Order:—

(a) Amending Order No: 18457, dated December 30th, 1912, and issued on the application of the applicant company for authority to construct four extra tracks across May and Ridgeway streets in the city of Fort William, Ontario, by striking out paragraph 3 of the said Order and making other provisions for the fixing of the compensation, if any, which may be possible to the owner of the lot 32, and

(b) Rescinding Order No. 20917, dated November 29, 1913, and issued in connection with the same matter. (File No. 20538.)

No Order made, the matter having been settled between the parties.

5101. Complaint of the city of Fort William, Ont., that the Canadian Pacific Railway Company have taken up the tracks of the street railway where it is crossed by the spur authorized to be constructed by the C.P.R. to the premises of the Starch Works at 6th street, Fort William, Ontario. (File No. 22317-11.)

Struck off list.

6 GEORGE V, A. 1916

5102. Application of the city of Port Arthur, Ont., for a re-hearing of the application of the Canadian Northern Railway Company for approval of its location through the city of Port Arthur, Ontario. (Adjourned hearing.) (File No. 9188-26.)

No further tracks are to be allowed to be laid and no Order approving tracks to be made by the board until full notice has been given to the city of Port Arthur and cognizance must be taken of the agreement of March 13, 1914.

5103. Application of the Canadian Northern Railway Company, under sections 222, 228 and 237, for authority to build a spur at Fort William, near Arthur street crossing, across lot 3, con. 3, twp. of Neebing, and along a lane between Arthur and Sills streets to west limit of property of St. Joseph school, a distance of 1,785 feet, crossing Arthur, Brunswick and Selkirk streets.

(Note.) The board will consider the matter of compensation for lands of the late Mrs. Sills across which the spur track has been constructed. (File 16351.)

Application dismissed.

5104. Application of the G.T.P. Railway Company, under sections 222, 237 and 257, for authority to construct a double track branch line or spur turning out from its line on Empire avenue, northerly along private right of way, formerly James street to William street, thence easterly to Thunder Bay, Fort William, Ontario. (Adjourned hearing.) (File No. 22317-1.)

Order made allowing G.T.P. Ry. to get to the government elevator as directed in the judgment of the Chief Commissioner.

5105. Application of the Grand Trunk Pacific Railway Company, under section 227, for an Order authorizing the construction of its proposed spur in William street, Fort William, Ontario, across the line of the Canadian Pacific Railway. (File No. 22317-2.)

Application dismissed without prejudice to the applicant company to renew at any time.

5106. Application of the Grand Trunk Pacific Railway Company, under section 237, for an Order authorizing the construction of its proposed spur in William street, Fort William, Ontario, across the Port Arthur & Fort William Electric Railway. (File No. 22317-3.)

Application dismissed without prejudice to the applicant company to renew at any time.

5107. Application of the G.T.P. Ry. under section 227, for authority to construct a spur on William street, Fort William, Ontario, across the line of the Canadian Northern Railway Company. (File No. 22317-4.)

Application dismissed without prejudice to the applicant company to renew at any time.

5108. Consideration of the resolution of the ratepayers of the city of Fort William Ontario, in regard to the proposed location of the C.N.O. Railway Company's station in Fort William; the question of protection at line crossings; and of the discontinuance of the main line traffic on the loop line. (File No. 5791.)

Judgment reserved, the board to visit the locus.

5109. Consideration of the matter of right of way over the Canadian Pacific railway and other railways to cross the Canadian Northern railway property at Port Arthur to connect with government elevator, also connection with the Canadian Northern railway at that point. (File No. 21826.)

Application dismissed without prejudice to the applicant company to renew the application at any time.

5110. Application of the Canadian Pacific Railway Company under section 29 for an Order varying Order No. 18457 dated 30th December, 1912, by substituting the following description of the lands to be conveyed by the applicant company to the city of Fort William for the description contained in paragraph one of said Order.

All and singular that certain parcel or tract of land situate and lying within the city of Fort William, township of Neebing, province of Ontario, and being

## SESSIONAL PAPER No. 20c

a part of lot (31), fronting on May street, according to plan of subdivision of part of McKellar farm, registered in the registry office for the district of Thunder Bay, as plan No. 93, which parcel may be more particularly described as follows:—

Commencing at the northeast corner of said lot 31 thence south along the east boundary of said lot, a distance of fifty-six feet and four-tenths of a foot (56' 4), thence south thirty-nine degrees and no minutes (S. 39° 00' W.) a distance of twenty-seven feet and eighty-three-hundredths of a foot (27' 83), to the south boundary of said lot 31, thence south eighty-nine degrees and fifty-five minutes west (S. 89° 55' W.), a distance of eighty-two feet and four-tenths of a foot (82' 4) to an iron pipe marking the southwest corner of said lot 31, thence north fifty-one degrees and fifty-seven minutes east (N. 51° 57' E.), a distance of one hundred and twenty-six feet and eighty-five-hundredths of a foot (126.85') to the point of beginning.

Said parcel containing by admeasurement eighty-five-thousandths of an acre (0.085 acres), be it more or less. (File No. 20538.)

No Order made, the matter having been settled between the parties.

5111. *Re* road crossing between concessions 15 and 16, twp. of Neebing where it crosses the C.P.R. Co.'s line. (File No. 24652.)

Board decided that if there has been any interference with the road by the C.P.R., the company is to be required to put it right without delay.

5112. *Re* re-arrangement of spur track connecting with the C.N.R. across Franklin street and to place the same across Mark street, Fort William. (File No. 24576.)

Order made granting the application. See Order No. 22223.

5113. Application of Joseph and Arthur Brunet, of Chelmsford, Ontario, for a reduction in the rate on hay, carloads, from Chelmsford to Fort William and Port Arthur, Ontario. (File No. 23704.)

No action taken. Matter stands for such written submissions as the applicants may desire to file with the board.

5114. Application of the municipal council of the town of Sudbury, Ontario, for an Order directing the Canadian Pacific Railway Company to install some system of protection on main line crossing Elm street, Sudbury, Ont. (File No. 9437-1066.)

Board decided that no order should be made until the Electric Railway Company filed at once application for leave to cross the C.P.R. Company's tracks at points designated.

5115. Application of the Canadian Retail Coal Association for a rate of 60 cents per ton on coal, carloads, from Buffalo, Black Rock or Suspension Bridge to York, Ont. (File No. 463-2.)

Order made that the tariffs of G.T.R. applicable on coal in carloads from Niagara frontier gateways and from Detroit be amended so as to apply to York, Ont., the rates shown therein as applying to Toronto. Amendments to take effect not later than Sept. 1, 1914. See Order No. 22220.

5116. Complaint of the village of Fergus, Ontario, against the increased charge for switching cars made by the Grand Trunk Railway Company of Canada to and from the Industrial spur of branch line in the village of Fergus, Ontario. (File No. 24300.)

Order made that the notice cancelling the exception of the interswitching service between the G.T.R. sidings at Fergus and the C.P.R. Co. from the operation of the general Interswitching Order of the Board No. 4988 be disallowed and that the toll of \$3 per car be restored by July 20, 1914. See Order No. 22189.

5117. Complaint of William Pinkey, of Cooksville, Ont., relative to the lack of proper protection on his farm where it is crossed by the Canadian Pacific Railway Company and the Toronto Suburban Railway Company. (Adjourned hearing.) (File No. 23080.)



6 GEORGE V, A. 1916

No order made. Railway Company undertaking to keep the crossing clear and offer to pay \$100 towards the cost of maintaining the crossing, should the applicant decide to divert it.

5118. Application of Chas. A. Windatt, of the Township of Thorah, Ontario, under Sections 151 and 250, for an Order directing the C.P.R. Company (Georgian Bay & Seaboard Railway) to construct and maintain such drainage works upon their line of railway where same intersects his farm in Lot 4, Con. 10, Tp. of Thorah, as may be necessary to prevent the flooding of his lands and damages from such flooding, and for an Order under Section 261 that he be relieved from the terms of a certain agreement entered into with the Railway with reference to a culvert or cattle pass by reason of the violation thereof by the Railway Company. (File No. 23676.)

No Order made. Railway Company undertaking to carry out the recommendation of the Board's Engineer except as to the increasing of the size of the pipe. The Company also to clean out the cattle pass as recommended by the Board's Engineer.

5119. Application of the Peterborough Machine & Lubricator Company, Limited, under Section 29, for an Order rescinding Order of the Board No. 15660, dated December 20, 1911, by which it was ordered that the C.P.R. Company be authorized to construct a branch line of railway for T. Kinnear & Company of the City of Peterborough, Ontario. (File No. 18797.)

Stands for two weeks to enable the railway company to decide whether it will take expropriation proceedings or not.

5120. Application of the Standard Crushed Stone Company, Limited, of Niagara Falls, Ontario, for an Order requiring the G.T.R. Company to immediately construct a side track to the plant of the said Standard Crushed Stone Company, Limited, near Windmill Point Station, on the line of the G.T.R. Company, Buffalo and Goderich branch, about two and one-half miles east of Ridgeway, Ontario. (File No. 23219.)

Order made granting the application subject to the terms and conditions set forth in the Order. See Order 22317.

5121. Complaint of J. E. Titchmarsh, of Hagersville, Ontario, relative to the lease granted by the G.T.R. Company to the Canada Seed Company of Hagersville, Ontario, for use of siding and elevator at that point. No order made.

5122. *Re* Trenton Business Spur. Petition of G. T. Clarkson, of Toronto, Ontario, for an Order directing the C. L. O. & W. Ry. Co. to immediately file plans and appoint arbitrators to determine questions arising between the petitioner and the Railway Company in connection with the expropriation of the lands held by the former as liquidator of Messrs. Lloyd & Sons, Limited, of Trenton, Ontario. (File No. 3701-347.)

Order made that the application to restrict the right of expropriation be dismissed and upon the consent of all parties that the arbitration pending to determine the compensation to be paid in respect of the taking of certain lands, be continued subject to the provisions set forth in the Order. See Order No. 23504.

5123. Application of the Hamilton & Toronto Sewer Pipe Company, Limited under Section 226, for an Order directing the G.T.R. Company to provide and construct a suitable siding where the Company's Railway intersects lands of the Applicant Company in the Township of West Flamboro, Ontario. (File No. 22370.45.)

Order made rescinding Order No. 22392 and directing the G.T.R. Co. to construct a spur connecting with its main track and to erect an automatic block signal on the west bound main track. Spur to be completed by 1st Nov., 1914. See Order 22671.

5124. Application of the G.T.R. Company for an Order requiring the Hamilton & Toronto Sewer Pipe Company to replace the siding to the Hamilton & Toronto Sewer Pipe Company and the Fowler Canadian Company in the same condition as it was before they interfered with it. (File No. 7031. Case No. 3051.)

Order made dismissing the application. See Order 22327.

## SESSIONAL PAPER No. 20c

5125. Application of the Montreal & Southern Counties Railway Company (G.T.R.) under Section 227, for authority to cross at grade with its railway the line of the C.P.R. Company, from St. Hyacinthe to Farnham, on Lot 34, Parish of St. Paul de Abbotsford, P.Q. (File No. 12072-23.)

Order made granting the application subject to the conditions set forth in the Order. See Order No. 22229.

5126. Application of the G.T.R. Company, under section 227, for authority to cross at grade with its spur track serving the premises of the Elias Rogers Company, coal dealers, Toronto, Ontario, the tracks of the Toronto, Gray & Bruce Railway (C.T.R.) at a point south of St. Clair Ave., City of Toronto, Ontario. (File No. 21277.)

Order made dismissing the application. See Order No. 22299.

5127. Application of W. J. Boland, of Toronto, on behalf of Hillar H. Findlay, of Toronto, Ontario, for an order compelling the G.T.R. Company to extend the railway siding of the G.T.R. Company constructed into the premises of the Fairbanks-Morse Canadian Company, Limited, Toronto, Ontario, into certain property recently rented for factory purposes. (File No. 14200.)

See judgment of the Chief Commissioner dated the 18th January, 1915, Appendix "C".

5128. Application of the Municipal Corporation of the Township of York, Ontario, under section 250, for an order directing the C.P.R. Company to provide and construct a drainage system suitable and sufficient for the drainage of Jane Street subway in the said Township of York where the line of the C.P.R. crosses the said street. (File No. 16288.)

No order necessary, board decided that the municipality is in no way responsible for the condition of the subway, and that the railway company having created the difficulty must look after the matter.

5129. Application of the Corporation of the City of Toronto, Ontario, under sections 237 and 238, for a hearing on the question of maintenance of the superstructure of the subway under the tracks of the C.P.R. Company at Keele Street, or for an order for the reconstruction of said superstructure to protect the public passing through the said subway. (File No. 21566.)

See judgment of the Chief Commissioner dated the 12th November, 1914, Appendix "C". Order made authorizing the City of Toronto at its own expense to make the superstructure of the subway carrying Keel Street under the tracks of the C.P.R. Co., waterproof. See Order 23036.

5130. Application of the C.N.O. Ry. Company, under section 237, for authority to construct its line of railway across Albany Road in the City of Toronto, Ontario, by means of a structure carrying the railway over the highway. (File No. 12021.5.)

Order made granting the application. See Order No. 22202.

5131. Application of the C.N.O. Railway Company, under section 237, for authority to construct its line of railway across Dufferin Street in the City of Toronto, Ontario, by means of a structure carrying the railway over the highway. (File No. 12021.91.)

Board approved of the width of the structure, the question of elevation of the railway over the highway reserved. Board's engineer to inspect and report thereon.

5132. Application of the C.N.O. Railway Company, under section 237, for authority to construct its line of railway across Bartlett Ave. in the City of Toronto, Ontario, by means of a structure carrying the railway over the highway. (File No. 2021-85.)

Board approved of the width of the structure, the question of elevation of the railway over the highway reserved. Board's engineer to inspect and report hereon.

5133. Application of the Canadian Northern Ontario Railway Company, under section 237, for authority to construct its line of railway across Geary Ave., in the

6 GEORGE V, A. 1916

city of Toronto, Ontario, by means of a structure carrying the railway over the highway. (File No. 12021-89.)

Board approved of the width of the structure, the question of elevation of the railway over the highway reserved. Board's engineer to inspect and report thereon.

5134. Application of the C.P.R. Company for approval of the detail plan showing proposed subway at Davenport Road, Toronto, Ontario. (North Toronto Grade Separation.) (Substructure.) (File No. 22162.)

No order necessary.

5135. Application of the C.N.O. Railway Company, under section 237, for authority to construct its line of railway across Church and Dundas streets, in the Township of Etobicoke, County of York, Ontario. (File No. 12021-115.)

Matter referred to the Board's engineer to prepare sketch showing the suggested grade separation.

5136. Complaint of the Canadian Pacific Railway Company against the Hydro-Electric Power Commission of Ontario constructing power line across its line of railway at a point near Meneset Station, Ontario. (File No. 24548.)

Order made granting leave to the Hydro-Electric Power Commission of Ontario, to construct its wires across the tracks of the C.P.R. Co. See Order No. 22576.

5137. Application of the C.L.O. & W. Railway under section 237, for authority to construct its business spur track across certain streets in the town of Trenton, Ontario. (File No. 3701373.)

Order made rescinding Order No. 22058 and authorizing the company to construct and operate its spur track across the streets set forth in the order, subject to the conditions contained in the order. See Order No. 22234.

5138. Application of the C.P.R. Company to construct a spur from the National Cash Register east of Shaw street, Toronto. (File No. 22333.16.)

No order necessary pending the carrying out of the arrangement made between the parties.

5139. Application of the C.N.O.R. under section 237, for authority to cross highway between lots 11 and 12, Junction gore, township of Gloucester, with the tracks of the transfer track connecting the C.N.O.R. and the G.T.R. Company's tracks, in accordance with plan dated June 23, 1914, drawing No. 8657. (File No. 3878.574.)

Application granted.

5140. *Re* overhead bridge for tracks of the Grand Trunk Railway Company and the Montreal Park and Island Railway Company at Rockfield, P.Q.

NOTE.—The board will consider the complaint that the Montreal Turnpike Trust has put its toll gate at an inconvenient place thereby practically blocking the road. (File No. 9437.119.)

Board decided to visit the locus on the 14th instant, if possible. Notice to be given to all parties. Mr. Surveyor to submit a statement in writing regarding his contention that the board is without jurisdiction so far as the Turnpike Trust Company is concerned.

5141. Application of the village of Weston, Ontario, for an order directing the Grand Trunk Railway Company to enlarge its subway at Weston Road, Weston, Ontario. (File No. 20188.)

No order made. Board decided that owing to the present financial situation it would not be warranted in making an order against the railway company.

5142. In the matter of the application of the St. John and Quebec Railway Company to the Board of Railway Commissioners for Canada and to the Board of Commissioners of Public Utilities for New Brunswick, for a joint order under sections 227-229 of the Railway Act directing the Canadian Pacific Railway Company as follows:—

1. To allow the St. John and Quebec Railway Company to connect its tracks with those of the Canadian Pacific Railway, in the city of Fredericton, province of New



## SESSIONAL PAPER No. 20c

Brunswick, and to maintain and operate the necessary switches and turnouts, at the following points:—

1. At a point between Westmorland and York streets marked "A" on plan.
2. At or near station 1159 plus 50 (C.P.R. location), marked "B" on plan.
3. At or near station 1118 plus 00 (C.P.R. location), marked "C" on plan.
4. At or near station 1072 plus 80 (C.P.R. location), marked "D" on plan.

2. To permit the St. John and Quebec Railway Company and its lessees to operate its trains, engines, cars, and other vehicles between A-B and between C-D above mentioned over and along the different tracks, switches, "Y" and sidings of the Canadian Pacific Railway Company or as leased by them.

3. To re-arrange spur track used by the Canadian Pacific Railway for switching between Westmorland and York streets (marked X on plan), so that said switching can be carried on south of the located line of the applicant company. (File No. 19077.1.)

Order made granting leave to the applicant company to cross with its tracks the tracks of the respondent company, as set out in the order, subject to the conditions therein set forth. See Order 22360.

5143. Application of the Canadian Northern Ontario Railway Company for authority to change the location of its station in the township of March, Ontario, from mileage 22, from Ottawa, to mileage 23.6 from Ottawa. (File No. 20309.)

Order made refusing the application. See Order No. 22399.

5144. In the matter of the joint express rates on fruit from points on the Canadian Northern to points on the Canadian and Dominion Express Companies lines, prescribed by Order of the Board No. 21877, dated May 26, 1914.

NOTE.—The companies will be required to state their objections to the proposed joint rates. (File No. 4214.391.)

No order necessary, express companies having published and filed a joint tariff as agreed with the Board's Traffic Officer.

5145. Application of the Corporation of the City of Toronto, Ontario, for a reconsideration of the plan of the subway at Spadina Road in order that such plan may be so amended as to leave Spadina Road and Bridgeman street at their full width. (File No. 22162.2.)

Railway Company to file new detail plan carrying out the suggestion of the Board's Assistant Chief Engineer made at the hearing.

5146. Application of the City of Montreal, P.Q., for an order declaring that the way of communication at Park avenue giving access between the territory of the City north and west of the line of the C. P. R. and the rest of the City of Montreal over the right of way of the company where located between Atlantic and Beaumont avenues, Laurier Ward, Montreal, has been used as a way of communication by the public for vehicular and pedestrian traffic and declaring that same is a public crossing over the right of way of the C. P. P. (File No. 12912.2.)

Order made authorizing the City of Montreal to open Park avenue across the tracks of the C.P.R. Company subject to protection set forth in the order. See Order No. 22896.

5147. *Re* North Toronto Grade Separation, C.P.R.

(Note).—This matter is set down for the purpose of settling the terms of the order to be issued under the Assistant Chief Commissioner's judgment concurred in by Commissioners McLean and Goodeve. (File No. 9437.153.)

Order made dismissing the application. See Order No. 23508.

5148. Application of the Erie & Ontario Railway Company, under section 227, for leave to cross at grade in the township of Moulton, Ontario, the lines or tracks of the G. T. R. (Air Line), jointly operated by the Grand Trunk and the Wabash Railroad Companies at mileage 9.80 of the Erie & Ontario railway. (File 24560.1.)

Order made granting the application. See Order No. 22524.

6 GEORGE V, A. 1916

5149. Application of the Erie & Ontario Railway Company, under section 227, for leave to cross at grade in the township of Moulton, Ontario, with its railway lines or tracks, the lines or tracks of the Michigan Central Railway Company, (Canada Southern Division). (File No. 24560.2.)

Order made granting the application subject to the conditions set forth in the order. See Order No. 22431.

5150. Application of the Erie & Ontario Railway Company, under sections 221, 222, 223 and 227, for authority to construct spur line concession 2, township of Moulton, Ontario, running through the lands of A. B. Shupe and T. H. Jones, to a connection with the Michigan Central Railroad. (File No. 24560.6.)

Order for temporary connection to go as applied for.

5151. Application of the Erie & Ontario Railway Company, under section 227, for authority to cross at grade, in the town of Dunnville, Ontario, the tracks of the Grand Trunk Railway Company. (File 24560.26.)

Order made for grade crossing, subject to the recommendation of the Board's engineer.

5152. Application of the Municipal Corporation of the town of Parry Sound, Ontario, that the board reconsider Order No. 4008, dated 28th November, 1907, and for an order directing the Canadian Pacific Railway Company to construct a subway under its railway at Armstrong street, in the town of Parry Sound, Ontario. (File No. 23240.)

Order made dismissing the application.

5153. Application of the Erie & Ontario Railway Company, under sections 158, 159, 222 and 223, of the Railway Act, for an order authorizing proposed branch lines of railway to the freight and passenger stations of the company at Dunnville, Ontario, from station 0 to station 32 at or near the corner of Bridge and Canal streets and from station 0 to station 10 being the south leg of the "Y." (File No. 24560.5.)

Order having already issued no action necessary by the board.

5154. Application of the Grand Trunk Railway Company for authority to construct, maintain and operate two additional main line tracks at grade across the public highways between Guy street and St. Henri station in the city of Montreal, P.Q. (File No. 24834.)

Order made granting application.

5155. Application of the Grand Trunk Railway Company under sections 222 and 227 for authority to construct a siding from a point on its railway north of Isabella street in the City of Ottawa, Ontario, thence extending upon, along and across Isabella street and Metcalfe street to and into the premises of the Library Bureau of Canada, Limited, south of Isabella street. (File No. 22674.3.)

Parties to endeavour to reach an agreement upon the location with the Board's engineer. If not the board will make an order in the matter.

5156. Railway Companies subject to the jurisdiction of the Board are required to speak to the question of what constitutes proper filing of joint tariffs under Section 335 of the Railway Act. (File No. 24388.)

No Order necessary. Parties to confer with the Board's Chief Traffic Officer.

5157. Application of the Hamilton & Toronto Sewer Pipe Co., Ltd., of Hamilton, Ontario, for authority to construct a siding on the Grand Trunk Railway between Junction Cut and Dundas, Ontario. (File No. 22370.45.)

Order to issue for spur. G.T.R. Co. to submit plans.

5158. Application of the Township of Ancaster, Ontario, for an order for a subway under the tracks of the Hamilton and Dundas Street Railway and the T. H. & B. Ry., on Emerson street, West Hamilton, Township of Ancaster and also directing that the cost be apportioned between the railway companies and the Township of Ancaster. (File No. 9437.1011.)

## SESSIONAL PAPER No. 20c

Order made authorizing the Township of Ancaster to construct a grade crossing over the tracks of the T. H. & B. Ry. Co. on Emerson street in West Hamilton, Township of Ancaster. See Order No. 22608.

5159. Application of the Erie & Ontario Railway Company, for authority to make and carry its railway across and to use and occupy the right of way of the Toronto and Niagara Power Company in lot 32, concession 5, township of Gainsboro, Ontario. (File No. 24560-30.)

Order made declaring that the Niagara, St. Catharines & Toronto Ry. Co. is senior to the Erie & Ontario Ry. Co. for all tracks when constructed at the crossing in question. See Order No. 22732.

5160. Application of the city of Hamilton, Ontario, for protection of Grand Trunk Railway main line at Ottawa street, Hamilton, Ontario. (File No. 4552, Case 1223.)

Order made directing the G. T. R. Co. to install gates at the said crossing to be operated day and night by watchman on or before the 1st May, 1915. Twenty per cent of the cost of installing to be paid out of The Railway Grade Crossing Fund, and the balance by the railway company. See Order 22710.

5161. Application of the corporation of the city of Hamilton, Ont., for an order directing the T. H. & B. railway to construct a new highway bridge carrying the line of Locks street in the city of Hamilton, Ontario, over the tracks of the company at the intersection of Locks street and the T. H. & B. railway. (File No. 24498.)

No order made, the T. H. & B. Ry. undertaking to put in steel stringers over the track openings and repair the bridge.

5162. Application of the city of Hamilton, Ontario, for approval of plans showing proposed extension of Birmingham street across the northerly spur of the T. H. & B. Ry. (File No. 20395-1.)

Order made refusing the application. See Order No. 22602.

5163. Application of the corporation of the city of Hamilton, Ont., directing the T. H. & B. railway and the C. P. R. to construct a new highway bridge carrying the line of King street in the city of Hamilton over the tracks of the company at the intersection of King street and the Toronto Branch of the T. H. & B. railway. (File No. 24499.)

Referred to the board's engineer to report on.

5164. Application of the Grasselli Chemical Company of Hamilton, Ont., to fix the amount of the compensation to be paid under paragraph 2 of the order No. 21899, dated May 26, 1914. (File No. 20519.)

Board decided that no further order was necessary in connection with this matter.

5165. Application of the Erie & Ontario Railway Company for authority to close road being in lot 5, concession 2, township of Gainsborough, county of Lincoln, Ontario, and to obtain diversion of for said township. (File No. 24560-23.)

Order made authorizing the applicant company to divert the highway. See Order No. 22695.

5166. Complaint of B. F. Justin, K.C., of Brampton, Ontario, relative to width of cattle pass on the property of A. G. Waite, Streetsville, Ont., on the line of the C.P.R. (File No. 3294-17.)

Order made directing the C.P.R. Co. to construct a cattle pass as set forth in the order. Work to be completed by the 1st December, 1915. See order No. 22647.

5167. Consideration of the matter of protection at the crossing of the G.T.R., on the 25th side road of the Township of Albion, being the first crossing south of Palgrave Station, Ont. (File No. 9437-1152.)

No order necessary, the railway company undertaking to move the crossing planks northward about 20 feet so as to provide a better view of trains approaching from the south. The municipality to remove certain shrubbery.



5168. Application of Messrs. Mills, Raney, Lucas & Hales, of Toronto, Ontario, on behalf of W. J. Lawrence, of Richmond Hill, Ont., for a hearing of the board in connection with the matter of siding agreement with the C.N.O.R. at Richmond Hill, Ontario. (File No. 19664.)

No order made, the railway company undertaking to install a stop block by the 22nd October, 1914, and it being agreed that the siding will not be taken up by the railway company except after leave granted.

5169. Consideration of the report of Inspector T. Harris relative to accident at public crossing just east of Seaforth Station, Ont., where Dr. Scott was injured May 16, 1914, on the line of the G.T.R. (File No. 9437.1167.)

Order made directing the G.T.R. Company to employ a watchman at the said crossing between 7 a.m. and 7 p.m. Wages to be paid 20 per cent by the town of Seaforth and the balance by the railway company. See order 22659.

5170. Application of the municipal council of the village of Coldwater, Ont., for an order directing the G.T.R. and C.P.R. Companies to provide interswitching facilities at Coldwater, Ont. (File No. 6713-62.)

Order made directing the C.P.R. Company by the 25th December, 1914, to construct a transfer track between its railway and the Grand Trunk Railway at Coldwater, Ont. See Order No. 22915.

5171. Application of the municipal council of the village of Richelieu, P.Q., for an order directing the Central Vermont Railway Company to widen and extend roadway crossed by their tracks at a point about fifty feet east of the east end of the Richelieu river bridge, in the village of Richelieu, P.Q. (File No. 24381.)

No order made. Board's engineer to report in the matter.

5172. Complaint of the municipal council of the village of L'Annonciation, P.Q., relative to dangerous crossing on the line of the Canadian Pacific Railway Company near Rivière Rouge bridge. (File No. 9437-879.)

No order necessary, the board's inspector to test the bell already installed and report in the matter.

5173. Application of the municipal corporation of the town of Victoriaville, P.Q., for authority to discontinue Albert street across the line and tracks of the Grand Trunk Railway Company, in the town of Victoriaville, P.Q. (File No. 24392.)

Order made refusing the application. See Order No. 22764.

5174. Application of the town of Pointe-aux-Trembles, P.Q., for an order authorizing the opening up of Sixth avenue across the tracks of the Canadian Northern Quebec Railway Company and the Montreal Tramways Company within the limits of the said town. (File 20569.)

Order made refusing application. See Order 22742.

5175. Application of the town of Pointe-aux-Trembles, P.Q., for an order authorizing the opening up of Fifth avenue across the tracks of the Canadian Northern Quebec Railway Company and the Montreal Tramways Company within the limits of the said town. (File No. 24048.)

Order made refusing application. See Order No. 22742.

5176. Application of the Grand Trunk Railway Company, under section 237, for authority to construct an additional track across 18th avenue in the city of Lachine, P.Q. (File No. 9437.121.)

Order made granting application. See Order No. 22625.

5177. Application of the city of Montreal, P.Q., for an order declaring that the way of communication at Park avenue giving access between the territory of the city north and west of the line of the C.P.R., and the rest of the city of Montreal over the right of way of the company where located between Atlantic and Beaumont avenues, Laurier yard, Montreal, has been used as a way of communication by the public for vehicular and pedestrian traffic and declaring that same is a public crossing over the right of way of the C.P.R.. (File No. 12912.2.)

## SESSIONAL PAPER No. 20c

Order made authorizing the applicant to open Park avenue in the city of Montreal across the tracks of the C.P.R. Co., subject to the conditions set forth in the order. See Order No. 22896.

5178. Application of the city of Montreal, P.Q., to regularize the present crossing of Baldwin street, Longue Pointe ward, over the right of way of the Canadian Northern Quebec Railway Company, and to extend and construct said Baldwin street over the said right of way. (File No. 24696.)

Order made refusing the applications to open up Mercier avenue, Lebrun, Azilda, DeRocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the city of Montreal, across the tracks of the Canadian Northern Quebec Railway. See Order No. 22751.

5179. Application of the city of Montreal, P.Q., to regularize the present crossing of Mercier street, Longue Pointe ward, Montreal, P.Q., over the right of way of the Canadian Northern Quebec Railway Company and to construct and extend said street over the said right of way. (File No. 24697.)

Order made refusing the applications to open up Mercier Ave., Lebrun, Azilda, DeRocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the city of Montreal, across the tracks of the C.N.Q.R. See Order 22751.

5180. Application of the City of Montreal, P.Q., to regularize the present crossing of Lebrun Street, Longue Pointe Ward, Montreal, P.Q., over the right of way of the Canadian Northern Quebec Railway Company and to construct and extend said street over the said right of way. (File No. 24698.)

Order made refusing the applications to open up Mercier Ave., Lebrun, Azilda, DeRocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the city of Montreal, across the tracks of the C.N.Q.R. See Order 22751.

5181. Application of the City of Montreal, P.Q., to regularize the present crossing of Azilda street, Longue Pointe Ward, Montreal, P.Q., over the right of way of the Canadian Northern Quebec Railway Company and to construct and extend said street over the said right of way. (File No. 24699.)

Judgment reserved.

Order made refusing the applications to open up Mercier Ave., Lebrun, Azilda, DeRocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the city of Montreal, across the tracks of the C.N.Q.R. See Order 22751.

5182. Application of the City of Montreal, P.Q., to regularize the present crossing of Des Ormeaux street, Longue Pointe Ward, Montreal, P.Q., over the right of way of the Canadian Northern Quebec Railway Company and to construct and extend said street over the said right of way. (File No. 24700.)

Order made refusing the applications to open up Mercier Ave., Lebrun, Azilda, DeRocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the city of Montreal, across the tracks of the C.N.Q.R. See Order 22751.

5183. Application of the City of Montreal, P.Q., to regularize the present crossing of De Rocheblave street, Longue Pointe Ward, Montreal, Que., over the right of way of the Canadian Northern Quebec Railway Company and to construct and extend the said street over the said right of way. (File No. 24701.)

Order made refusing the applications to open up Mercier Ave., Lebrun, Azilda, DeRocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the city of Montreal, across the tracks of the C.N.Q.R. See Order 22751.

6 GEORGE V, A, 1916

5184. Application of the City of Montreal, P.Q., to regularize the present crossing of Contrecoeur street, Longue Pointe Ward, Montreal, P.Q., over the right of way of the Canadian Northern Quebec Railway Company and to construct and extend the said street over the said right of way. (File No. 24702.)

Order made refusing the applications to open up Mercier Ave., Lebrun, Azilda, DeRocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the city of Montreal, across the tracks of the C.N.Q.R. See Order 22751.

5185. Application of the City of Montreal P.Q., to regularize the present crossing of Hector street, Longue Pointe Ward, Montreal, P.Q., over the right of way of the Canadian Northern Quebec Railway Company and to construct and extend the said street over the said right of way. (File No. 24703.)

Order made refusing the applications to open up Mercier Ave., Lebrun, Azilda, De Rocheblave and Contrecoeur streets. Applicants authorized to open Baldwin, Des Ormeaux and Hector streets in the City of Montreal across the tracks of the C.N.Q.R. See Order No. 22751.

5186. Application of the Corporation of the City of Montreal, P.Q., for an order authorizing it to extend Sherbrooke street, in Hochelaga Ward, of the City of Montreal, across the right of way of the Canadian Pacific Railway Company by means of a bridge. (File No. 24488.)

Referred to the Board's engineer to report on.

5187. Application of the United Fruit Companies of Nova Scotia for an order requiring the Dominion Atlantic Railway Company to furnish bills of lading and to route shipments of apples via Intercolonial Railway to Montreal and points beyond. (File No. 24721.)

The Board decided that no order was necessary in this matter.

5188. Complaint of the Montreal Board of Trade, Toronto Board of Trade, Hamilton Board of Trade, and Ontario Wholesale Grocers's Guild against the cancellation of mixing privileges in connection with carloads of groceries, dried fruit and liquors from Eastern Canada points to points in Western Canada. (File No. 18755.21.)

Order made that the proposed cancellation of the said arrangement be suspended until further order of the Board. See General Order No. 133.

5189. Application of the Lake Erie & Northern Railway Company under sections 158 and 159, for approval of plan, profile, and book of reference showing part of company's main line in the Town of Galt, Ont., from Station 1135:50 to Station 1167:30.7; (2) for an order under section 176 allowing them right of way over the tracks of the C.P.R. between station 1160:78.5 to the connection with the C.P.R. at Station 2921:40 and to connect with the tracks of the L. E. & N. Ry. at said last mentioned point in the Town of Galt, Ont. (3) for an order under section 176 allowing them to use tracks of the right of way of the C.P.R. between Stations 1114:76.3 and 1135:50 in the Town of Galt, Ont. (File No. 18034.72.)

Order made granting the application subject to conditions set forth in the order. See Order 22689.

5190. Application of the Lake Erie & Northern Railway Company, under sections 158 and 159, for approval of the revised location of its line of railway from Bruce Street in the Town of Galt, Ont., to connection with the C.P.R. on the north side of Main Street, in said Town of Galt, Ontario.

And complaint of the Corporation of the Town of Galt, Ont., against the proposed diversion of Mill creek in said town as shown on plan of the L. E. & N. Ry. of its revised location through the property of the R. McDougall Company in said town of Galt, Ont. (File No. 18034.70.)

Order made granting the application subject to conditions set forth in the order. See Order 22665.



## SESSIONAL PAPER No. 20c

5191. Application of the St. David's Sand Company, Limited, for a joint rate on sand from the company's spur on the Michigan Central Railroad near Niagara Falls, Ont., to the Welland Ship Canal Works via Niagara Falls and the Grand Trunk Railway. (File No. 24931.)

Order made that the M.C.R. and G.T.R. companies publish and file a joint rate of 50 cents per ton of 2,000 lbs. on sand from applicant company's pit to Merritton. Said rate to be made not later than Nov. 9th, 1914. See Order 22745.

5192. Application of the Standard Crushed Stone Company, Ltd., of Niagara Falls, Ont., for an order requiring the Grand Trunk Railway to publish and place in effect, on or before October 10th, 1914, rates on cobble, crushed, field and rubble stone from the Stone Company's Siding near Windmill Point Station, Ont., to points on the Grand Trunk Railway and to points on the Michigan Central Railway road via the Grand Trunk Railway and Michigan Central Railroad. (File No. 22319-1.)

Order made granting the application.

5193. Application of John Morrison for a crossing across the Canadian Northern Ontario Railway Company's right of way on part of lot 14, con. 1, Township of Pembroke, now within the town of Pembroke, Ont. (File No. 3561-202.)

No change made in the crossing, but the applicant may move it at his own expense.

5194. Application of the Grand Trunk Railway Company for a re-hearing of the matter of the application of the G.T.R., under section 227, for authority to cross at grade with its spur track serving the premises of the Elias Rogers Company, coal dealers, Toronto, Ont., the tracks of the Toronto, Grey & Bruce Railway (C.P.R.) at a point south of St. Clair Ave., Toronto, Ont., which application was dismissed by order of the Board No. 22299, dated July 30th, 1914. (File No. 24277.)

Order made granting the application; the crossing to be protected by an interlocking plant. See Order No 23063.

5195. Application of the Sudbury-Copper Cliff Suburban Electric Railway Company for an order granting the company authority to construct its line, and tracks across the lines and tracks of the C.P.R. (main line and spurs in the town of Sudbury, Ont.) in the town of Sudbury, Ont. (File No. 24842.)

Order made authorizing the Copper Cliff Suburban Electric Ry. Co. to cross the tracks of the C.P.R. at Elm street in town of Sudbury, subject to the conditions set forth in the order. See Order 22826.

5196. Application of the Canadian Pacific Railway Company for an order directing the Grand Trunk Railway Company to restore opening in fences on the northerly side of the C.P.R. Company's west bound track and refrain from interfering with the proper access to the company's station at Parkdale, Ont. (File No. 24710.)

No order necessary. The Grand Trunk Railway Company undertakes to restore the opening in the fence forthwith.

5197. Application of the town of Listowel, Ontario, for an order directing the Grand Trunk and Canadian Pacific Railway Companies to establish interswitching facilities between their lines of railway at Listowel, Ontario. (File No. 8453, Case 3927.)

Order made directing the installation of a transfer track for the interchange of traffic between the G.T. and C.P.R. Co's. at Listowel; the work to be done by the C.P.R. and the track to be constructed within one month after the erection of Libby McNeil and Libby Company's factory. See Order 22819.

5198. Application of the Canadian Pacific Railway Company, under section 228, for authority to connect its railway with the Oshawa Railway, near the town of Oshawa, Ontario. (Adjourned hearing.) (File No. 6713.84.)

Order made authorizing the C. P. R. Co. to connect its lines and tracks with the tracks of the Oshawa Electric Railway Company near Oshawa. See Order 22753.

5199. Application of the municipal council of the town of Trenton, Ont., for an order compelling the Canadian Northern Ontario Railway Company to remedy the

obstruction caused by their track on Ontario street, Trenton, Ont. (File No. 3878.580.)

Stands for consultation between the parties. The town to file a plan showing how Ontario street became a street in fact.

5200. Complaint of the village of Ste. Anne de Bellevue, P.Q., *re* drainage of sub-way of the C.P.R. and G.T.R. under their double main line tracks at Ste. Anne de Bellevue. (File No. 9437-1044.)

No permanent arrangement made; Grand Trunk Railway to put in temporary tile to take care of the water. This can be removed next spring or later if necessary.

5201. Application of the Canadian Northern Ontario Railway Company, under sections 29 and 227, for approval of proposed connection with the Canadian Pacific Railway near Chaudière Junction, and for a rescission of that portion of Order No. 7490, dated July 6, 1909, in so far as it refers to a connection with the tracks of the Ottawa and Prescott Railway Company at mile 56.6 west from Hawkesbury. (File No. 10823.)

Stands. Application to be renewed after the question of general interswitching is dealt with.

5202. Lighting of main line switches and the displaying of night signals from sunset to sunrise. C.P.R. will be required to show cause why an order should not go regulating this matter. (File No. 18767.)

Stands for further information to be filed by Mr. Lawrence for the B.L.E.

5203. Application of the town of Trenton, Ont., for an order directing the Canadian Northern Ontario Railway, Central Ontario Railway, Canadian Pacific Railway, and Grand Trunk Railway Companies to install interswitching facilities in the town of Trenton, Ont. (File No. 6713.87.)

Referred to Board's traffic department for report.

5204. Complaint of the town of Kenora, Ont., that the bridge over waterway in the said town of Kenora, controlled by the Rat Portage Lumber Company and the Canadian Pacific Railway Company, is interfering with navigation, and request that the Board adjust the matter. (File No. 24514.)

No order made. If the town of Kenora desire, however, to raise the bridge at its own expense it may apply to the Board to have the construction removed at the expense of the town.

5205. Application of the municipality of West Kildonan, Man., for a crossing over the tracks of the Selkirk branch of the Canadian Pacific Railway Company at Enniskillen avenue, D.G.S. 6, Kildonan, Man. (File No. 24875.)

Order made granting the application to cross the tracks of the C.P.R. Company's line at Enniskillen avenue, in the municipality of West Kildonan, Man., but refusing application to construct highway over the C.P.R. tracks at Kenilworth avenue. See Order 23141.

5206. Application of the municipality of West Kildonan, Man., for a crossing over the tracks of the Canadian Pacific Railway Company at Park Manor Boulevard, D.G.S. 29, Kildonan, Man. (File No. 24877.)

Application withdrawn.

5207. Application of the town of Tuxedo, Man., for an order directing the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company to construct and maintain a suitable street crossing over their tracks where the same are crossed by or cross Kennaston Boulevard, in the city of Winnipeg, and in the town of Tuxedo or the continuation of the same southerly, or authorizing the said town to construct such crossing and apportion the cost thereof between the said town, the city of Winnipeg, and the railway companies. (Adjourned hearing.) (File No. 23675.)

Order made granting the application. Applicant to bear the cost of the work.

5208. Complaint of the Northwest Grain Dealers' Association against the refusal of the railways to accept Flax Seed in bulk except at owner's risk of leakage.

Notice published in C.P.R. Sup. 3 to C.R.C. W. 1962, C.N.R. Sup. 1 to C.R.C. W. 803, G.T.P. Sup 1 to C.R.C. 30. Effective Oct. 21, 1914. (File No. 25037.)

## SESSIONAL PAPER No. 20c

Order made granting the application and directing that flax seed will be accepted for shipment in bulk only at the owner's risk of leakage in accordance with the Canadian Freight Classification, excepting that if the shippers make written request for cars suitably lined at their expense such cars shall be furnished with the least possible delay, in which case the company will assume the risk of leakage. See Order No. 23894.

5209. Application of the city of Winnipeg, Man., for leave to construct a crossing over the tracks of the Canadian Pacific Railway Company at Midwinter avenue, Winnipeg, Manitoba. (File No. 24943.)

Order made granting the application.

5210. Application of the Canadian Pacific Railway Company, under sections 222 and 237, for authority to construct an alteration to existing spur for the city of Winnipeg on Rachel Street East, in lot 49, Block 'B,' city of Winnipeg, Manitoba, on the Applicant Company's main line, Manitoba division. (File No. 14920.)

Order made granting the application.

5211. Application of the Canadian Pacific Railway Company, under Section 151, for authority to lower the grade of the portion of Maple street, Winnipeg, Manitoba, lying northward of the production westerly of said Maple street of a line drawn parallel to and 26 feet north of the north limit of lot 57, plan 63, subdivision of lot 35, east St. John, and south of Point Douglas avenue, not at present covered by the tracks and buildings of the said Canadian Pacific Railway Company. (File No. 25147.)

Order made granting the application.

5212. *Re* Winnipeg Electric Railway crossing Canadian Pacific Railway at Selkirk and Logan avenues, Winnipeg, Manitoba.

NOTE.—The Board will consider letter of the Winnipeg Electric Railway Company as to the status of watchmen employed and the responsibility of the Electric Railway on the one hand and the Canadian Pacific Railway Company on the other for their negligence. (File No. 8922 and case 4716.)

See judgment of Assistant Chief Commissioner Scott, dated December 31, 1914, Appendix "C."

5213. *Re* subway under the tracks of the Canadian Pacific Railway Company at Salter street, Winnipeg, Manitoba.

NOTE.—The Board will consider detail plans of the structure as submitted by the city of Winnipeg in accordance with Order No. 22124, dated July 2, 1914. (File No. 3084.)

Order made granting the application, the cost of the proposed subway to be borne and paid by the corporation of the city of Winnipeg. See Order 22124.

5214. Application of the Suburban Rapid Transit Company of Winnipeg for an Order properly apportioning cost of protection at St. James crossing by the Canadian Northern, Suburban Rapid Transit Company and the Winnipeg Electric Railway Company. (File No. 24978.)

Order made directing the crossing of the C.N.R. by the Suburban Rapid Transit Co. on Portage ave., in the city of Winnipeg be protected by a half inter-locking plant with derails, subject to conditions set forth in order. See Order No. 23084.

5215. Complaint of the Page-Hersey Iron Tube & Lead Co., against the increase of 5 per cent in the rate on skelp, carloads, from the Pittsburg district to Welland, Ont., published to take effect November 16. (File No. 23359.)

Judgment reserved.

5216. Complaint of the Riordan Pulp & Paper Company, against the increased rates on woodpulp and sulphite from Merritton and Thorold to United States points, made effective November 16th instant, by supplement No. 6 to Canadian Northern Railway Company's Joint Through Freight Tariff No. C.R.C. E 251. (File No. 25165.)

Referred to the Board's Traffic Officer for report.



6 GEORGE V, A. 1916

5217. Application of the town of Lasalle, P.Q., for an Order requiring the New York Central and Hudson River R. R. Co., and the Canadian Pacific Railway Company to provide an improved train service between Montreal and Highlands and Adirondack Junction. (File No. 19855.23 and File No. 23910.)

Order made granting the application.

5218. Application of the American Coal & Coke Company, of Detroit, Mich., for an order disallowing note 3 to rule 1, page 7, of the Michigan Central R.R. Company's Tariff C.R.C. No. 2171, which reserves the right to the Company to hold cars for consignees located within the Detroit switching limits at Windsor, awaiting final delivery orders, or when delivery cannot be effected due to inability of consignees to receive same.

Also for an order requiring the said R.R. Co. to refund with interest, the sums paid under protest by the applicants under the same tariff rule. (File No. 24713.)

Refused. See judgment Chief Commissioner, Appendix "C."

5219. Railway Companies to speak to the following general proposition, viz.:—

That a passenger toll between any two given points having been reduced because of competition, and having been voluntarily made the maximum between intermediate points where competition does not exist, should also be made the maximum to or from equivalent mileage points on branch lines connecting at one or more of the said intermediate points. (File No. 22416.)

See Judgment of Commissioner S. J. McLean, dated January 7, 1915. Appendix "C".

5220. Application of the Fruit Growers' Association of Ontario, *re* shipment of apples. (File No. 19666.)

Judgment reserved.

5221. Application of the City of Prince Albert, Saskatchewan, for an order directing the Canadian Northern Railway Company to place a flagman at the railway crossing on Fourth avenue, west Prince Albert, Saskatchewan. (File No. 9437.1142.)

Order made that the order providing for appointment of watchman at Central avenue, Prince Albert, be amended, and that all passenger trains be flagged across Central avenue at the expense of the railway company.

5222. Application of the municipal council of the town of Beverley, Alta., for an order directing the Grand Trunk Pacific Railway to provide a passenger station in the vicinity of Beverley, Alberta. (Adjourned hearing.) (File No. 23890.)

No action taken. The matter may be brought up again upon the request of the municipality.

5223. Application of the Jasper Park Collieries, Limited, for a transfer track between the Canadian Northern Railway main line and the Grand Trunk Pacific Railway Company's siding at Geikie, Alberta. (File No. 6713.82.)

No order made. Applicant company may renew the application when the C. N. R. resumes operation.

5224. Complaint of R. P. Cull, Fallis, Alta., against the Grand Trunk Pacific Railway Company using his land on the shore of Wabamun lake as right of way, also that the road crossing on the road allowance is not passable for teams. Adjourned hearing. (File No. 2236, Case No. 3851.)

No order made, the railway company undertaking to send an engineer at once to make the necessary measurements and to indicate on the ground what land is to be taken. Board's engineer to inspect the crossing and report on it.

5225. The Edmonton, Dunvegan & British Columbia Railway Company will be required to show cause why it should not comply with the requirements of general order of the Board No. 107, relative to fire protection. (File Nos. 4741-F-45 and 4741-A-45.)

Judgment reserved.

## SESSIONAL PAPER No. 20c

5226. Complaint of R. H. Campbell, Director of Forestry, Department of Interior, that the G. T. P. have not complied with the requirements of Regulation 13 of General Order No. 107 relative to extinguishing fires occurring within 300 feet of the track, in that they failed to extinguish a fire at mile 34 on their Alberta coal branch. (File No. 4741-F-18.2.)

No order made, Board decided it had no jurisdiction.

5227. Application of H. H. Cooper & Company, under section 226, for an order directing the Canadian Northern Railway Company to construct a spur from the railway to lots 231 and 232 in block 1 of the Hudson Bay Company's Reserve in Edmonton, Alberta. (File No. 22372.19.)

Order made under section 222 of the Railway Act. Railway Company to file formal application and plan and spur to be constructed forthwith with a 30 degree curve and running as close to the building as possible.

5228. Application of the resident property owners of Prince George and South Fort George for a change in the location of the station of the Grand Trunk Pacific Railway at Prince George, B.C. (File No. 21418.)

Order made fixing the location of station.

5229. Application of the Canadian Pacific Railway Company for approval of plan showing the Christie street subway, North Toronto Grade Separation, Toronto.

(Note.)—Board will hear application of Clark & Clark, Limited, for an order directing the immediate completion of work opposite their property. (File No. 12021.126.)

Board decided that the work is to be gone on with forthwith.

5230. Application of the City of Montreal, P.Q., for an interim ex parte order on the application for temporary extension of Girouard avenue, Notre Dame de Graces ward, over the right of way of the Canadian Pacific Railway Company. (File No. 25156.)

City of Montreal to make formal application for crossing when matter will be dealt with by the Board.

5231. Application of the city of Montreal, P.Q., for an interim ex parte order on the application for temporary extension of Regent avenue, Notre Dame de Graces ward, over the right of way of the Canadian Pacific Railway Company. (File No. 25158.)

City of Montreal to make formal application for crossing when matter will be dealt with by the Board.

5232. Complaint of the Milton Pressed Brick Company, Ltd., against the proposed increase in the minimum weight on brick, carloads, published to take effect December 1, 1914. (File No. 19475.13.)

Order made with respect to the tariffs of the Railway Companies subject to the jurisdiction of the Board and operating in Eastern Canada, as set forth in the order. Effect to be given to the order not later than December 31, 1914. See order 22963.

5233. Resumption of the inquiry into the tolls and practices with respect to switching and interswitching, with particular reference to the evidence and statistics presented by the carriers relating to the costs of the service. (Adjourned hearing.) (File No. 6713, Case 2846.)

Order made amending new minimum weight 50,000 pounds for building bricks and disallowing the additional 5 per cent per foot for long cars in connection with all building material.

5234. Application of the city of Fernie, B.C., for an order directing the Crow's Nest Southern Railway (G.N.R.) to construct a subway at the intersection of its railway with Cox street in the city of Fernie, B.C. (File No. 9437.1111.)

Order made for pedestrian subway at Cox street, with a headroom of 7 feet 6 inches by 8 feet in width in accordance with plan filed by the railway company, cost

to be divided equally between the railway company and the city of Fernie, accounts to be submitted by the company to the city. When dispute arises the same to be submitted to the Board for adjustment.

5235. Consideration of the matter of protection at Twelfth street east crossing, Calgary, Alta., on the line of the Canadian Pacific Railway Company. (File No. 9437.1186.)

Board directed that a watchman be put on the crossing by the railway company, to be on duty from 8 a.m., to 7 p.m., his expenses to be paid by the city of Calgary. Order made removing the slow order upon the watchman being appointed. City of Calgary to have the right to submit any further scheme of protection at any farther time it so desires in regard to this crossing.

5236. Application for the removal of the speed limitation from the crossing at Eighth street east, Calgary, Alta., where accident occurred on July 16, 1914. (File No. 9437.1177.)

Order made granting the application.

5237. Application of the city of Calgary, Alta., for an order directing the Canadian Pacific and Grand Trunk Railway Companies to establish transfer tracks in the city of Calgary, Alta. (File No. 10821.95.)

See judgment of Asst. Chief Commissioner Scott, dated January 7, 1915. Appendix "C".

5238. Complaint, Board of Trade of Ensign, Alta., with regard to the C.P.R. closing its station at Ensign. (File No. 25119.)

Application refused. Order made requiring the C.P.R. Co. to have the station heated before the arrival and departure of passenger trains during cold weather.

5239. Complaint of C. W. Ozias *et al re* proposed closing of C.P.R. station at Mazeppa, Alta. (File No. 20645.)

Order made refusing the application of the company to remove station agent at Mazeppa.

Application withdrawn.

5240. Application C.N.R. regarding the closing of certain streets in the city of Calgary, in section 26.23-1, W. 5 M.

Application withdrawn.

5241. Application of the city of Calgary for an order settling the time by which the diversion of Lindsay avenue shall be completed by the Canadian Northern Railway Co.

Order made granting the application, work to be completed by March 1, 1915.

5242. Application of the city of Calgary for an order compelling the C.N.R. Co., to carry out the terms of its agreement with the city under which the city consented to the plan showing the route of entrance of the said company's railway into the city of Calgary, referred to in Orders 14611, 14616 and 17470. (File No. 25264.)

Order made dismissing the application but directing that the C.N.R. Co. provide a 5 per cent grade at the approaches to the crossings of Thistle, Pine and Hungerford streets and Spruce and Poplar avenues, city of Calgary. See Order No. 23179.

5243 and 5244. Application by the city of Calgary for an order compelling the Calgary Water Power Company, Ltd., to carry out order of the Board No. 22225. (File No. 1750-79.)

See judgment of Assistant Chief Commissioner Scott, dated November 26, 1914. Appendix "C."

5245. Application of the town of Courtenay, B.C., for an order directing the Esquimalt and Nanaimo Railway Company to permit the Provincial Government to make a road from the company's freight shed in a northwesterly direction to the Lake Trail a distance approximately of 900 feet, so as to obviate the haul now necessary from the Lake Trail Road to the freight shed of approximately 5,700 feet. (File No. 22804.)

Order made dismissing the application: See Order No. 23001.



## SESSIONAL PAPER No. 20c

5246. Application of the Board of Trade of Cumberland, B.C., for an order directing that an interchange track be provided between the lines of the Canadian Collieries, Ltd., and the Esquimalt and Nanaimo Railway Company, at a point at or near the crossing of the line of the E. & N. Ry. Co. and the Canadian Collieries, Ltd. (File No. 25120.)

Order made directing the E. & N. Ry. Co. to construct a transfer track between its railway and the railway of the Canadian Collieries, Ltd., at Royston, upon the conditions set forth in the order. Plans to be filed by the 1st March, 1915. See Order 23187.

5247. Application of the Empress Manufacturing Company, Ltd., for an order requiring the Canadian Pacific Railway to extend siding at Mission City, some one hundred and twenty-five feet more or less, to reach the factory of the Mission Manufacturing Company, and also a branch factory of the Empress Manufacturing Company. (File No. 25162.)

Application struck off the list.

5248. Application of the Pacific Land and Townsites Company, Ltd., John Stinson and J. H. McGregor, for an order under section 159, directing the Grand Trunk Pacific Railway Company to acquire their right of way through lots 782 and 788, Cariboo District, B.C. (File No. 3452-19.)

Judgment reserved. Railway Company to make its submissions in writing.

5249. Application of the Pacific Land and Townsites Company, Ltd., Vancouver, B.C., for an order directing the Grand Trunk Pacific Railway Company to construct and maintain a depot between Willow avenue and Pine street, on the G.T.P. Railway in D.L. 788, Willow River, B.C., also to construct and maintain adequate side tracks to conserve future interests of Willow River upon D.L. 788, and to stop between Pine street and Willow avenue, on D.L. 788 all passenger trains and way freight trains. (File No. 19272.)

Judgment reserved. Railway company to make its submissions in writing.

5250. Application of the Vancouver, Victoria and Eastern Railway and Navigation Company for authority to expropriate certain lands in the New Westminster district, part of the lands being required for the purpose of diverting the Gunn Road and Brunette Road and part for the purpose of providing an overhead crossing over the tracks of the said railway company at the North Road; also for an order closing portions of the Gunn Road and Brunette Road; and in the matter of Order No. 19928, dated July 30, 1913, directing the applicant company to construct a steel bridge over its tracks on the line of the North Road, etc.

The board will consider representations of interested municipalities respecting the protection to be provided at North Road, also as to necessity for a permanent retaining wall at this point. (File No. 572-33.)

Order made rescinding Order No. 19928, dated July 30, 1913, and directing that a close board fence be erected and maintained along the whole length of the piling between the retaining wall and the highway at the point in question; work to be completed by the 15th of February, 1915. See Order No. 23174.

5251. Application of the city of Vancouver, B.C., for an order directing the construction of highways on Hastings, Pender, Keefer and Harris streets, by way of overhead bridges or viaducts, over the railway of the Vancouver, Victoria and Eastern Railway and Navigation Company at its intersection of said streets.

(Note.) The parties will speak to the question as to whether the construction of the viaducts on Hastings, Pender, Keefer and Harris streets will be proceeded with or not. (File No. 20062.)

Order made rescinding Order 17840 and directing the railway company to erect crossing signs at said crossings. -See Order No. 23074.

5252. Application of the Department of Public Works for authority to construct level crossing over the G.N.R. at a point just east of White Rock Station, B.C. and

Application of the municipality of Surrey for a grade crossing over the line of the Great Northern Railway opposite Martin street, White Rock. (File No. 25046.)

Order made granting the application. See Order No. 23035.

5253. Application of the municipal council of New Westminster *re* dangerous crossing of the Great Northern Railway Company over Front street near the intersection of Columbia street opposite the penitentiary, New Westminster. (File No. 9437-1221.)

Order made directing the G.N.R. Co., to install an approved type of automatic bell at the said crossing and to maintain the same at its own expense, 20 per cent of the cost of installing the bell to be paid out of The Railway Grade Crossing Fund. See Order No. 23047.

5254. Application of the Stoltze Manufacturing Company of Ruskin, B.C., for a joint tariff reducing the switching charge on cars of shingles from their mill on the Western Canada Power Company's railroad to the junction with the Canadian Pacific Railway at Ruskin, B.C. (File No. 25025.)

Order made that the Canadian Pacific and Western Canada Power Co., jointly publish and file supplements to the C.P.R. Co.'s special joint tariffs as set out in the order. Order No. 23213 rescinded. See Order 23332.

5255. Complaint of the Oliver-Scrim Lumber Company of Vancouver, B.C., that on a shipment of lumber from South Wellington to Merritt, B.C., consigned to the C.P.R. Company, care Kettle Valley Railway Company, they were refused the company's special "construction" rate, except from Vancouver to Merritt. (File No. 24644.)

See judgment of Asst. Chief Commissioner Scott, Appendix "C," setting out that no order will be made in this matter as the board has no jurisdiction over the contract between the parties.

5256. Application by Union Steamship Co., for approval of a plan of an overhead foot bridge from the foot of Carroll street to the premises of the company on the water front and over the tracks of the C.P.R. (File No. 12233.)

No order made. Applicant company to file and serve formal application.

5257. Application of the municipality of Langley, B.C., regarding highway crossings over the V.V. & E. Ry. (File No. 25283.)

No order made. Railway company to look into the matter with a view to having it satisfactorily settled, and advise the Board.

5258. Application of the Board of Trade of Alberni, B.C., for an order directing the Esquimalt & Nanaimo Railway Company (C.P.R.) to install a permanent station agent at Port Alberni, B.C. (File No. 20331.)

Judgment reserved. Referred to Chief Operating Officer Spencer for report.

5259. Application of the Corporation of the Township of Esquimalt, B.C., for an order directing that proper station accommodation and facilities be provided by the Esquimalt and Nanaimo Railway Company on their line of railway at junction with Admirals Road. (File No. 23355.)

Order made directing that the E. & N. Ry. Co., forthwith stop its passenger trains on flag at Admirals Road in the township of Esquimalt, B.C., and construct a flag station shelter at that point; work to be completed within 60 days after the approval of the plan. See Order 23214.

5260. Application of the Town of Courtenay, B.C., for an order directing the Esquimalt and Nanaimo Railway Company to permit the Provincial Government to make a road from the company's freight shed in a northwesterly direction to the Lake Trail, a distance approximately of 900 feet, so as to obviate the haul not necessary from the Lake Trail Road to the freight shed of approximately 5,700 feet. (File 22804.)

Application dismissed.

5261. Application of the municipal council of Duncan, B.C., for an order amending order of the Board No. 22517, in *re* dangerous crossing of Esquimalt and Nanaimo

## SESSIONAL PAPER No. 20c

Railway over the Victoria and Campbell River Trunk Road, south of Duncan, B.C. (File No. 9437-1143.)

Order made directing that the E. & N. Ry. install by the 23rd February, 1915, an improved type of automatic bell at the said crossing, and maintain the said bell at its own expense, 20 per cent of cost of installation to be paid out of The Railway Grade Crossing Fund. Order 22817 rescinded. See Order 23058.

5262. *Re* Tariff permitting dried fruit and liquors being mixed with carloads of groceries in fifth class. (File No. 18755-21.)

Application to be put in writing and then considered by the Board.

5263. *Re* cost of maintaining crossings at Chemamus and Duncan. (Case 3339.)

Order made directing the municipality to move the crossing from its present location to a point 1,350 feet south of Mile Post 41. Order No. 6642 rescinded. See Order No. 20812.

5264. Application by Indian Commissioner (Victoria, B.C.) concerning the fencing of certain Indian lands on the railways on Vancouver Island. (File No. 9994-199.)

Mr. McKenna, Indian agent, to file a statement.

5265. Application of the Provincial Government of British Columbia to grant permission to the C.P.R. to issue free transportation to persons without funds in Hosmer, B.C. (File No. 25349.)

Board stated that it would offer no objection to any arrangement the railway company and the Government of British Columbia might make in regard to the matter.

5266. Complaint of the Massey-Harris Company of Brantford, Ont., regarding connection of the Lake Erie and Northern Railway with the Toronto, Hamilton and Buffalo Railway and construction of the L. E. & N. Ry., through the Massey-Harris Company's lands in the city of Brantford, Ontario. (Files Nos. 18034-74 and 18034-31.)

Stands. Parties to endeavour to settle. If no settlement reached matter will be heard at sittings of the Board in Toronto on the 11th inst.

5267. Complaint of the Kingston Board of Trade that the Grand Trunk Railway Company is about to discontinue its train service leaving Kingston at 6 a.m. daily, except Sunday, and leaving Toronto 6 p.m. daily, except Sunday. (File No. 21243.)

No order made. Board directed that the Kingston Board of Trade be sent a copy of the evidence.

5268. Complaint of James Torrance, M.P.P., and James B. Lackie, Newton, Ont., against change of train service on the G.T.R. between Listowel and Stratford.

Board directed that service be given for high school pupils by way freight until the 18th December.

5269. Application of the Lachine, Jacques Cartier and Maisonneuve Ry. Co., under section 159, for approval of the location of the right of way across the lands of the Montreal Tramways Company in lot No. 340 of the parish of St. Laurent, P.Q. And application of the Montreal Tramways Company for a further hearing of said application. (File No. 14329.15.)

Board's engineer to furnish an estimate of the cost of raising the grade sufficiently to give a clearance of 15 feet 6 inches or a clearance of 21 feet 6 inches above the ground.

5270. Application of the Yukon Gold Company, under sections 26 and 167, for an order requiring the Klondike Mines Railway Company at its own expense, to elevate its tracks to an average height of fifteen feet above their present level over the following sections of the railway situate in Bonanza creek, in the Yukon Territory, namely: From the Upper Boundary line of claim 80 to the Lower Boundary line of claim 97 below discovery and from the Upper Boundary line of Claim 20 to the Lower Boundary line of Claim 29 below discovery. (Adjourned hearing.)

See judgment of Chief Commissioner. Appendix "C."



6 GEORGE V, A. 1916

5271. Application of the Corporation of the City of Hamilton, Ont., for an order directing the Hamilton Radial Electric Railway Co., to carry out the provisions of Order No. 15241, in connection with the construction of a highway from the northerly terminus of Birch avenue to Gilkison street, Hamilton, Ontario. (File No. 17347.)

Order made directing the Hamilton Radial Electric Railway Company to relocate its tracks on the ground provided for it on Sherman Inlet in the city of Hamilton, and the Hamilton Cataract Power, Light and Traction Co., to remove its transmission line to the new location. Work to be completed by May 1, 1915. See Order 23219.

5272. Application of the Corporation of the City of Hamilton, Ont., for an Order directing the G.T.R. Company to establish and maintain gates with watchman where the main line of the company crosses Gage avenue, formerly Trolley street, being the original allowance for road between lots 6 and 7, in the township of Barton, now in the city of Hamilton, Ont. (File No. 9437-844.)

Order made directing the G.T.R. to install gates at the said crossing to be operated by day and night watchmen. Work to be completed by June 1, 1915. Twenty per cent of cost of installation to be paid out of The Railway Grade Crossing Fund. See Order No. 23030.

5273. Application of the Corporation of the City of Hamilton, Ont., for an Order directing the T. H. & B. Ry. Co., and the Canadian Pacific Railway Company to construct a new highway bridge carrying the line of King street, in the city of Hamilton, over the tracks of the company at the intersection of King street and the Toronto Branch of the T. H. & B. Ry. Company. (Adjourned hearing.) (File No. 24499.)

Judgment reserved. Referred to the Board's engineer for report.

5274. Petition of W. O. Sealey and others, residents and property owners in the vicinity of Hunter street, Hamilton, Ont., *re* railway traffic on Hunter street and asking that the level crossings along Hunter street should be abolished by depressing and covering the railway tracks of the Toronto, Hamilton & Buffalo Ry. Co. (File No. 20161.)

Stands adjourned pending effort on the part of the parties interested to reach a settlement.

5275. Application of the T. H. & B. Ry. and the G. T. R. Companies, under sections 26, 222, and 227, for authority to discontinue operating over the sidings or spurs from the railways of the said applicants upon the premises of the Berlin Machine Works, Limited, in the city of Hamilton, Ont. (File No. 6664, Case No. 2818.)

Reserved, parties to submit further argument.

5276. Application of the rural municipality of Brokenshell No. 68, Sask., for an order directing the Canadian Northern Railway Company to build a bridge over a creek at mileage 5.2 on its Moosejaw subdivision where the railway company have taken the road allowance.

And application of the C.N.R. Co. under section 237, for authority to cross and divert the north and south road between sections 10 and 11-7-18 W. 2 M. Sask. (File No. 8262.52.)

Order made dismissing the application, but authorizing the C. N. R. Co. to cross and divert the north and south road as applied for. Work to be completed by May 1, 1915. See Order 23085.

5277. Petition of the residents of the city and district of Moosejaw, Sask., for an order directing the Canadian Pacific Railway Company to construct a subway under its tracks at Seventeenth avenue, Moosejaw, Sask. (File No. 18620.)

Order made refusing application for subway, the city of Moosejaw to place a man at the crossing for three or four days for the purpose of preparing and submit-

## SESSIONAL PAPER No. 20c

ting to the Board a statement of the traffic at the crossing. The C.P.R. to send Board statement of trains that pass over crossing for one week.

5278. Application of the town of Weyburn, Saskatchewan, for a transfer track between the Grand Trunk Pacific Railway and the Canadian Pacific Railway Companies at Weyburn, Sask. (File No. 6713.70.)

Application withdrawn.

5279. Application of the Carnduff Board of Trade and village adjacent to Frobisher, Sask., for an order directing that a transfer switch be constructed between the Grand Trunk Pacific Railway and the Canadian Pacific Railway Companies at Frobisher, Sask. (Re-hearing.) (File No. 6713.73.)

Board decided that matter should be allowed to stand. See judgment of Commissioner A. S. Goodeve, dated January 24, 1915. Appendix "C."

5280. Application of the Board of Trade of Moosejaw, Sask., for an order directing the Canadian Northern and Canadian Pacific Railway Companies to establish a transfer track at Rosetown, Sask. (File No. 6713.89.)

See judgment of Commissioner A. S. Goodeve, Appendix "C."

5281. Application of the Moosejaw Board of Trade, Moosejaw, Sask., for an order directing the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railway Companies to establish transfer tracks for interswitching purposes at Moosejaw, Sask. (File No. 6713.68.)

Order made dismissing the application.

See order No. 22098.

5282. Complaint of the Board of Trade and city of Moosejaw, Sask., relative to delay by the Grand Trunk Pacific Railway Company in completing its line to Moosejaw and the erection of a station there, and the taking up of expropriation proceedings to take the additional lands required for terminal facilities in the city of Moosejaw, Sask. (File No. 10863.62.)

Board decided matter should be allowed to remain in abeyance for the present. Railway companies to endeavour to come to a satisfactory arrangement in regard to joint terminals.

5283. Application of Messrs. S. A. Hamilton Company, Ltd., of Moosejaw, Sask., for a transfer track between the Canadian Northern and Canadian Pacific Railway Companies at Hawick, Alberta, or as an alternative, an order for the issuance of a joint freight tariff on coal by the Canadian Northern Railway and Canadian Pacific Railway Companies between Drumheller and Moosejaw, Sask., via the City of Calgary, Alberta. (File No. 6713.91.)

Order made dismissing the application. See order 23076.

5284. The Dominion Express Company will be required to speak to the question whether the words "or from conditions beyond its control" in clause (C), and the words "beyond its control" in clause (II), rule 5 of the Terms and Conditions embodied in the Express Merchandise Receipt, exempting the said company from liability for loss, damage or delay where negligence does not arise by default of the express company, but by default of the railway company. (File No. 3507, case No. 219.)

Judgment reserved.

5285. Complaint of J. E. Neuert of Invermay, Sask., against the Canadian Northern Railway Company proposed closing of crossing at roadway between sections 2 and 11, W. 2 M., at Invermay, Sask. (File No. 342.4.)

Order made authorizing the Canadian Northern Railway Co. to construct a highway crossing over its tracks at the point in question. See order 23178.

5286. Petition of the rural municipality of Abernethy, No. 186, on behalf of farmers of the Balcarres district, for an order directing the Canadian Pacific Railway Company to construct a crossing between sections 22 and 23-21-12 W. 2 M., at a

6 GEORGE V, A. 1916

point west of Balcarres, Sask., at the water tank known as "Cotton." (File No. 965.25).

Order made directing the C.P.R. Co. to construct a diversion of the highway as therein set forth, work to be completed by May 15, 1915, subject to the conditions set forth in the order. See Order 23398.

5287. Application of Joseph James, of Actinolite, Ontario, for a settlement of the minutes of the order in connection with alleged trespass on the property of the applicant, lots 2 and 3, concession 4, township of Elzevir, Ont., by the Bay of Quinte Railway Company. (Adjourned hearing.) (File No. 369.)

Order made directing the Bay of Quinte Railway Company to remove any station or building off the lands of the applicant and restraining them from erecting any station buildings or freight sheds on that part of the located line of the company on the property of the applicant south of the old right of way of the Toronto and Ottawa railway. Permission given to applicant to construct a subway subject to conditions set forth in order. See Order 23040.

5288. In *re* highway crossing of the Grand Trunk Railway Company over the first highway east of Clarkson station, Ontario.

NOTE.—The board will consider the matter of the distribution of costs. (File No. 9437.802.)

See judgment of the Chief Commissioner, Appendix "C."

5289. Application of the Grand Trunk Railway Company for approval of renewal of bridge No. 317 across public highway at mile post 91.75 near Wyevalle, county of Simcoe, 14th district, Ontario. (File No. 24775.)

Order made granting the application.

5290. Complaint of the township of Amaranth, Ontario, against the C. P. R. Co.'s bridge No. 6.3, on its Teeswater subdivision, and that the conditions are such that the railway bridge renders the highway unsafe for travel. (File No. 5568.4.)

Engineers of the parties interested to endeavour to come to an understanding in this matter.

5291. Application of the London and Lake Erie Railway and Transportation Company, under section 167, for an order approving change in location of the proposed connection with the Michigan Central Railroad Company within the city limits of the city of St. Thomas, Ontario, and for an order authorizing a connection with the same company at the west end of the city of St. Thomas, Ontario. (File No. 6713.36.)

Board directed that an order issue upon conditions as settled by the board.

5292. Application of Isaac Roskelly Landmaid, of the township of Whitby, Ontario, under section 263, for an order directing the Toronto Eastern Railway Company to provide and construct a suitable farm crossing where the company's railway intersects his farm on lot 20, concession 2, township of Whitby, Ontario. (File No. 15881.62.)

No order made, the railway company agreed to bring the crossing up to the standard required by the Board as soon as the weather conditions permit.

5293. Application of the residents in the neighbourhood of Listowel and Stratford for continuance by the Grand Trunk Railway Company of mixed train service after the end of the present school term. (File No. 25212.)

Order made directing the G. T. R. Co. to change the time of its train No. 191 to leave Stratford 7.50 a.m. and arrive at Palmerston 9.15 a.m., timing it at Listowel 8.45 a.m. or 8.48 a.m. if desired to meet the opposing train at the latter time. See order No. 23081.

5294. Complaint of the Board of Trade and town of Deseronto, Ont., against the train service at Deseronto, inaugurated by the Canadian Northern Ontario Railway Company, as shown in its new time table effective October 19, 1915. File No. 17090.)



## SESSIONAL PAPER No. 20c

See judgment of Chief Commissioner, dated February 19, appendix "C," to the effect that under the circumstances it is not possible for the board to make any order, but directing that the present service of the railway company must not be further reduced.

5295. Application of the C. L. O. & W. Ry. Co., for authority to close George street, Cobourg, Ontario, on a line immediately south of the C. L. O. & W. Ry. tracks to a point on a line with the north boundary of the G. T. R. Co.'s right of way in the town of Cobourg, Ontario. (File No. 3701.282.)

Board directed that the G. T. R. Co. have an opportunity of electing to move the stationmaster's house and to take the property from the C. P. R. Co.

5296. Application of the C. P. R. Co., for rehearing in the matter of the crossing of Dundas street by the C. P. R. in the township of Toronto, Ontario, authorized to be constructed by Order No. 21913; also consideration of the matter of protection of the C. P. R. crossing at Hurontario street, being between lots 15 and 16, concession 1, township of Toronto, mile 15-25. (File 22282.)

Order made rescinding order No. 21931 upon the condition that the applicant company install by July 20 an automatic bell at the said crossing. See order 23726.

5297. Application of the municipality of Scarborough, Ontario, for an order directing the C. L. O. & W. Ry. Co., to construct a subway under its railway between concessions 3 and 4, opposite the side road between lots 12 and 13, concession 4, at mileage 180-69; and application of the C. L. O. & W. Ry. Co., under section 237, for authority to cross the highway between concessions 3 and 4, township of Scarborough, county of York, at mileage 180-69 from Glen Tay, and to divert the said highway in a northeasterly direction to the road allowance between lots 12 and 13, concession 4, in the said township, and to close up that portion of the said road allowance lying within the company's right of way, and also to construct its line of railway across the said road allowance. (File No. 3701.124.)

Application dismissed.

5298. Application of the corporation of the city of Toronto, Ontario, under sections 237 and 238, for authority to reconstruct the bridge at Moore Avenue, partly in the city of Toronto and partly in the township of York, carrying the highway over the tracks of the belt line of the Grand Trunk Railway Company.

(Note). The board will consider the question as to whether the 20 per cent directed by order No. 22304, dated July 31, 1914, to be paid by the township of York should be paid by the township of York or the county of York. (Adjourned hearing.) (File No. 23190.)

Order made authorizing the city of Toronto, at its own expense to make the necessary repairs to the sidewalks on the bridge at Moore ave. Order No. 22305 rescinded. See Order No. 23053.

5299. Application of the G.T.R. Co., under section 222, for authority to construct a siding and spurs therefrom from a point on the Toronto Belt Line Railway west of Yonge Street, in the city of Toronto, thence extending to and into the premises of the Elias Rogers Coal Co. (File No. 22333-18.)

Application dismissed.

5300. Complaint of the Canada Foundry Co., Ltd., of Toronto, Ontario, relative to agreement between the applicants and the Michigan Central Railroad Company in connection with siding to structural steel plant at Shipyard, Ontario. (Adjourned hearing.) (File No. 22327.)

Judgment reserved.

5301. Application of the city of Toronto, Ontario, for an order regulating and limiting the use of steam whistles and the ringing of bells on engines, within the limits of the city of Toronto. (File No. 8342-4.)

Judgment reserved. Board's Chief Traffic Officer to report in the matter.

6 GEORGE V, A. 1916

5302. Railway companies subject to the jurisdiction of the board will be required to speak to the question as to why in the case of a steam railway crossing an electric railway, where there is a heavy movement by the electric railway and only an infrequent movement by the steam railway, the employees on the train of the steam railway should not operate the plant when desiring to make a crossing, leaving it normally clear for the electric railway. (File No. 25177).

See judgment of Chief Commissioner, Appendix "C".

5303. Application of the Board of Trade of Toronto, Ont., for an order adding crayons to the stationery list of the Canadian freight classification. (File No. 19367-42.)

Application dismissed.

5304. Complaint of the Milton Pressed Brick Company, against the proposed increase in the rate of the G. T. R. and C. P. R. companies on brick from Milton to Toronto, from 3 cents to 3½ cents per 100 lbs.; the schedules covering which were suspended by the Board's Order No. 19973 of August 1, 1913. (Re-hearing.) (File No. 22583.)

No action necessary, the Grand Trunk & Canadian Pacific Railway Companies having advised the Board that their new tariff on building material, effective January 15, 1914, shows the rate on brick carloads from Milton to Toronto 3½ cents and that this was an error and that the rate of 3 cents has been restored.

5305. Complaint of the Milton Pressed Brick Company, and the Toronto Pressed Brick and Terra Cotta Company, against the increase of one half cent per 100 lbs., in the special mileage rates on brick since August 15, 1914, for distances over 90 miles to 750 miles. (File No. 24852.)

Judgment reserved.

5306. Application of the Halton Brick Company for restoration of the rate of 3 cents per 100 lbs. on brick from Terra Cotta, Ontario, to Toronto, which rate was advanced to 3½ cents August 1, 1912. (Adjourned at Toronto sittings, September 22, 1914.) (File No. 24368.)

No action necessary, the Grand Trunk and Canadian Pacific railway companies having advised the board that their new tariff on building material, effective January 15, 1915, shows the rate on brick carloads from Milton to Toronto 3½ cents and that this was an error and that the rate of 3 cents has been restored.

5307. Complaint of the Canadian Manufacturers' Association and the Toronto Board of Trade against the increased rates on brick and sand from Cooksville to Toronto which were suspended by the Board's Order No. 21327 of February 10, 1914. (File No. 23832.)

No action necessary, the Grand Trunk and Canadian Pacific Ry. Cos. having advised the Board that their new tariff on building material, effective January 15, 1915, shows the rate on brick carloads from Milton to Toronto, 3½ cents, and that this was an error, and that the rate of 3 cents has been restored.

5308. Complaint of the Canadian Manufacturers' Association and the York Sand and Gravel Company against the increased rates on brick from Port Credit to Toronto, and on sand from York to North Toronto, which were suspended by the Board's Order No. 21326 of February 10, 1914. (File No. 23833.)

Judgment reserved as to first part of application. Second part will be considered with the general question. Mr. Cowan to be at liberty to put in further evidence.

5309. Complaint of F. A. Fish, of Toronto, that on coal ex-Niagara frontier, consigned to Toronto for furtherance, and which is transferred in the same cars for Canadian Northern destinations, paying the published tariff rate of each company, the Canadian Northern illegally makes a "diversion" charge of \$3 per car at Toronto. (File No. 24607.)

Application dismissed.

## SESSIONAL PAPER No. 20c

5310. The Railway Companies will be required to justify the proposed cancellation, January 1, of the arrangements whereby mixed carloads of foreign and native liquors, and mixed carloads of 5th class groceries and 4th class dried fruits, are carried at their respective carload rates between points west of and including Port Arthur, and thereto from eastern shipping points. (File No. 18755-21.)

Order to go for further suspension until the new classification is considered.

5311. Application of the city of Toronto, Ont., for certain extensions to the free area at Toronto within which the tolls of the express companies include collection and delivery, the said area being defined by the Board's Order 16468, of May 6, 1912. (Re-hearing.) (File No. 4214-150.)

Judgment reserved.

5312. Complaint of the C.P.R. Co., against the Ontario Hydro-Electric Power Commission constructing power crossing over the C.P.R. at mileage 0.62, St. Mary's subdivision, without regard for the order of the Board respecting clearance of wires. (File No. 25251.)

Hydro-Electric to bring the crossing up to standard requirements within ten days and to notify the Board when this is done so that an inspection can be made.

5313. Application of the corporation of the city of Toronto, Ont., under section 237, for an order authorizing the construction of a subway under the tracks of the Grand Trunk Railway Company at Main street, Toronto, Ont. (File No. 24822.)

Struck off the list.

5314. Complaint of the Board of Trade of Fort Frances, Ont., against discontinuance by the Canadian Northern Railway Company, November 28, 1914, of local passenger and mail trains, Nos. 21 and 22, between Winnipeg and Fort Frances. (File No. 25230.)

Complaint struck off the list.

5315. Application of the Canadian Oil Companies, Ltd., for authority to construct a spur track crossing Gordon avenue, Winnipeg, Manitoba, to and into the premises of the Canadian Oil Companies, Ltd., from the line of the Canadian Pacific Railway Company. (File No. 22318-24.)

No order made. Leave given to the applicant companies to renew the application when conditions warrant it.

5316. Application of the city of Winnipeg, Manitoba, for certain extensions to the express cartage limits as fixed by Order No. 22246.

Also, application of G. J. Robins, of 696 Mulvey avenue, Winnipeg, for inclusion of the said address within the said free area. (File No. 4214-145.)

Application withdrawn.

5317. Application of the C.P.R. Co., for an order authorizing it to remove spur tracks at Stonewall, constructed for John Gunn and H. Williams and Co., also spur at Airedale, constructed for Williams Quarry Co. Also spur at Gunns, constructed for John Gunn; also spur at Dunton, constructed for Donald Gunn; all now used by the Manitoba Quarries, Ltd. (File No. 25167.)

Struck off the list with permission to have the matter brought up again by either party upon notice.

5318. Application C.P.R. to take up spur track at Tyndall, Man., constructed by the Company for John Gunn. (File No. 25322.)

Struck out. To be brought up on the request of either party on notice.

5319. Application of the C.P.R. Co. for authority to remove spur track at Tyndall, Man., constructed for the Tyndall Quarries, Ltd. (File No. 25324.)

Struck out. To be brought up on the request of either party on notice.

5320. Application on behalf of certain property owners in the city of Brandon, in re Order of the Board No. 17210, dated August 7, 1912.

Order made.



6 GEORGE V, A. 1916

5321. Complaint Rainy River District Board of Trade, Fort Frances, Ont., against the discontinuance of the Canadian Northern Railway Company's Nos. 21 and 22 between Winnipeg and Fort Frances. File No. 25230.

No order made.

5322. Application of the C.N.R. Co., for authority to remove the connection between the C.P.R. and the Winnipeg Joint Terminal tracks at Higgins avenue, Winnipeg, Man. (File No. 23815.)

Order made refusing the application. The parties are to endeavour to agree upon terms of use of the track north of Higgins ave. If parties cannot agree Board will fix the terms.

5323. Application of the city of Winnipeg for a subway at Maple street, Winnipeg, Man. (File No. 432-2.)

Order made refusing the application except as to the pedestrian subway. If the parties cannot agree upon the latter then the Board will settle any dispute.

5324. Application of the municipality of Assiniboia for the extension of express delivery limits or in the alternative for the establishment of branch offices or depots or Union Office or Union Depot. (File No. 4214-469.)

Judgment reserved. Board to visit the *locus*.

5325. Application of the Canadian Oil Companies, Limited, for authority to construct a spur track crossing Gordon ave., Winnipeg, Man., to and into the premises of the said Canadian Oil Companies, Limited, from the line of the C.P.R. (File No. 22318-24.)

No order made. Permission granted to the applicant companies to renew the application when the conditions warrant it.

5326. Grand Trunk Pacific Railway Co. to speak to the question of the method of operating the interlocking plant at Dewdney street, Regina, Sask. (File No. 21061.)

Judgment reserved.

5327. Applications of the municipality of West Kildonan, Manitoba, for crossings over the tracks of the Selkirk Branch of the C.P.R. at Emmiskillen, Kenilworth ave., and Park Manor Boulevard, D. G. S. 29. (File No. 24875.)

Order made granting the application at the expense of the municipality. See Order 23141.

5328. Complaint of municipality of Riverside regarding the removal of C.N.R. station agent at Margaret, Man. (File No. 4203-28.)

Order made authorizing the C.N.R. to discontinue the station agent at Margaret until April 1, 1915. After that date caretaker to be appointed. See Order No. 23189.

5329. Request of C. N. R. to remove station agent from Lorette, Manitoba. File No. 4205-22.

Order made authorizing the Ry. Co. to discontinue the services of station agent at Lorette, province of Manitoba. Company to appoint a caretaker in his stead. See Order 23072.

5330. Application of the Fort William Board of Trade for an order directing the Canadian Pacific Railway Company to provide local freight sheds at Fort William, separate from wharf sheds. (File No. 24808.)

Application dismissed.

5331. Application of the Fort William Board of Trade for the abolition of the charge of one cent per 100 lbs., minimum \$5 per car, for switching goods for or from steamers between sidings and docks at Fort William as shown in the C.P.R. Co.'s tariff C.R.C. No. W-1919, page 6. (File No. 24994.)

Order made refusing the application. See Order 23281.

5332. Application of the Fort William Board of Trade for an order requiring the railway companies to arrange for a cartage service at Fort William and Port Arthur, and to collect the cost of the said service from the consignees of the Fort William and Port Arthur shippers. (File No. 18663-38.)

Order made dismissing the application. See order No. 23280.

## SESSIONAL PAPER No. 20c

5333. Application of the Fort William Board of Trade for an order requiring the railway companies to include in their present rates westbound from Fort William the charges for wharfage on goods passing over their docks at Fort William and reshipped west. (File No. 24809.)

Order made refusing the application. See judgment of Asst. Chief Commissioner, dated February 4, 1915. Appendix "C." See order No. 23282.

5334. Application of the Board of Trade of Fort William, Ont., for an order rescinding order of the board No. 14988, of August 10, 1911, defining restricted limits for collection and delivery of express freight, and requiring express companies to collect and deliver throughout the corporate limits of Fort William, Ont. (File No. 4214.96.)

No order made.

5335. Complaint of the Board of Trade of Redcliff, Alta., that the additional tolls charged by the Canadian Pacific Railway Company for switching cars to and from the industrial spurs at Redcliff are excessive and discriminatory. (File No. 24517.)

Judgment reserved. C.P.R. Co. to furnish the Board with a statement showing the number of carloads shipped in from the 1st January, 1914, to the 30th November, 1914, and the rates charged.

5336. Application of the city of Medicine Hat, Alberta, for an order rescinding Order of the Board 19824, dated July 11, 1913, authorizing the construction of a subway where the tracks of the Canadian Pacific Railway Company cross (Esplanade) River street, in the city of Medicine Hat, Alberta.

This matter is set down for the purpose of considering the petition of the residents of the city of Medicine Hat and taking of evidence in regard to it. (File No. 21979.)

City to prepare plans of a bridge at Ottawa street and estimate of cost within three months and submit same to the Board. A copy of the plan to be sent to the C.P.R. and to Mr. O'Neail.

5337. Application of the Erie and Ontario Railway Company, under section 361, for sanction and approval of agreement of amalgamation between the Erie and Ontario Railway Company and the Toronto, Hamilton and Buffalo Railway Company. (File No. 25153.)

Order made granting application.

5338. Application of the Atlantic Fruit Company, New York, for the same rules, regulations and rates covering reconsignment and diversion of bananas, in carloads, as now apply to citrous fruits from California. (File No. 25022.)

Application dismissed without prejudice to the applicants renewing the same after the 1st February, 1915.

5339. Application municipality of West Kildonan for crossing over tracks of C.P.R. Co., Park Manor Boulevard, D.G.S. 29, Kildonan, Man. (File No. 24877.)

Application withdrawn.

5340. Application municipality of West Kildonan in the province of Manitoba, for authority to construct a highway crossing over the tracks of the Selkirk branch of the C.P.R. Co. at Kenilworth ave., D.G.S. 6, Kildonan, Man. (File No. 24876.)

Order made granting the application. See order 23141.

5341. Application of the Canadian Northern Ontario Railway Company for approval of location of its second track from point west of Wragg street, Trenton, Ontario, marked "A" to a point marked "F" near Joseph street, shown on plan filed with the Board, and for approval of crossing by the said tracks of Dundas street, King street and Joseph street, and for authority to run this track along Division street and Queen street, subject to terms of agreement dated the 24th of June, 1910. (File No. 22806.)

Order made in the terms of the agreement to be filed by the applicant.

5342. *Re* Moncton and Buctouche Railway Company and Buctouche Railway and Transportation Company agreement.

NOTE.—This matter is set down for the purpose of giving the Moncton and Buctouche Railway Company an opportunity of presenting an argument respecting the agreement. (File No. 16994.)

See judgment of Chief Commissioner, Appendix "C".

5343. In the matter of the height of platforms at outlying stations.

(Note.)—The Board will consider the question as to whether an order should issue directing the New York Central & Hudson River Railroad to raise its station platforms to the height of nine inches above rail level. (File No. 25130.)

Railway Company to put in baulk line.

5344. The Grand Trunk, Grand Trunk Pacific, Canadian Pacific, and Canadian Northern Railway Companies, or any of them, will be required to show cause why the standard regulation of the Board as to the opening of new lines should not be changed so as to provide that in addition to filing the standard mileage tariff, applicable to traffic on the portion of the railway to be opened, the appropriate class or town tariffs, the mileage commodity tariffs, and the special tariffs on grain to Fort William, etc., and on lumber from British Columbia, should also be filed. (File No. 25343.)

Order made. The Railway Companies subject to the Board's jurisdiction making application to open for traffic are required to publish and file appropriate supplementary special class or town tariffs, mileage commodity tariffs, and special tariffs on grain to the Lake Superior terminals, and on lumber from British Columbia. See general order 134.

5345. Railway Companies are required to speak to the question of having public time-tables printed and distributed for the public notice ten days before same take effect and to furnish the Board with copies of working time-tables, or notices of cancellation of trains seven days prior to effective date. (Circular No. 138.) (File No. 24942.)

Board directed that the parties confer with the Board's chief operating officer and arrange the matter to his satisfaction.

5346. The Pere Marquette Railroad is required to speak to the proposed change of time January 4, trains 91 from London cancelled, Nos. 1 and 4, cancelled west of Blenheim, also Blenheim and Sarnia No. 14. (File No. 24942.)

Board directed that the parties confer with the Board's chief operating officer and arrange the matter to his satisfaction.

5347. Application of the Kettle Valley Railway Company, under section 227, for authority to cross with its tracks the right of way of the Canadian Northern Pacific Railway at Hope, B.C. (File No. 11738.118.)

Order made granting the application subject to conditions set forth in order. (See Order 23180.)

5348. Complaint of Robert Trudel *et al* against the withdrawal by the Canadian Northern Railway Company, September 19, 1914, of the second-class fare between Quebec and Valcartier. (File No. 25178.)

Judgment reserved.

5349. Complaint of Auger & Son and the D'Auteuil Lumber Company against the proposed advance in rates on pulpwood to Mechanicsville via Boston and Maine Railroad published in C. P. R. supplement 1 to C. R. C. No. E-2847 and Grand Trunk Supplement 14 to C. R. C. No. E-2588. (Adjourned hearing.) (File No. 25316.)

Board directed that tariffs be suspended pending decision of the Board.

5350. Hearing of the applications of the Taylor Milling & Elevator Company, and the Ellison Milling & Elevator Company of Lethbridge, Alberta, protesting against the proposed cancellation of the joint through rates from Lethbridge to points in British Columbia prescribed by the Board's order 20462 of October 2, 1913, the notice of



## SESSIONAL PAPER No. 20c

cancellation to take effect January 1, 1915, having been suspended by Order 22989, of December 17, 1914. (File No. 25273.)

Cancellation disallowed by consent of parties, the original tariffs to remain in force.

5351. Application of the Toronto Board of Trade for an order disallowing supplement No. 5 to G. T. R. Tariff C. R. C. No. E-2859, supplement 15 to C. P. R. Tariff C. R. C. No. E-2715, and supplement 2 to C. N. R. Tariff C. R. C. No. E-386, in so far as they propose, from the 26th instant to increase the special mileage rates on vegetables loaded in refrigerator cars to the regular classification ratings. (File No. 18855.8.)

Judgment reserved.

5352. Application of the China Clay Company, of Montreal, P.Q., for commodity rates on china clay from Huberdeau, P.Q., equal to or approximating the import rates on the same article from Montreal to Cornwall, Campbellford, Dundas, East Angus, Espanola, Georgetown, Hamilton, Merriton, Niagara Falls, Port Hope, St. Catharines, Sault Ste. Marie and Toronto. (File No. 24988.)

Order made dismissing the application. See Order No. 23448.

5353. Application of E. W. Roberts, of Montreal, P.Q., for a special winter rate on unrossed green pulpwood which shall equal that applied on dry peeled wood by applying the weight per cord of dry wood to the green wood. (File No. 25331.)

Judgment reserved.

5354. Application of the South Shore Board of Trade for detailed information to be shown on Bell Telephone Company's bills for long distance calls. (File No. 3574.135.)

Application withdrawn.

5355. Application of the city of Lachine, P.Q., under section 237, for an order directing the Grand Trunk Railway Company to open, provide and construct a suitable tunnel for public use at the intersection of 6th Avenue on the south side and of 7th Avenue on the north side of the railway, in the city of Lachine, P.Q.

(Note.) The board will consider the question of the distribution of costs. (File No. 9437.1191.)

Application granted subject to conditions set forth in order. (See Order 23369.)

5356. Application of John E. Molson, of Montreal, P.Q., respecting approval of span diagrams of Iberville and De Fleurimont streets, (Lachine, Jacques Cartier and Maisonneuve Railway Co.) in the city of Montreal, P.Q. (File No. 14329.13.)

Order made rescinding Orders 16181 and 17763 in so far as they authorize the said railway to be constructed across Iberville and De Fleurimont streets, in the city of Montreal. Applicant company authorized to cross Iberville street by means of a bridge. (See Order 23322.)

5357. Application of the Canadian Northern Quebec Railway Company, under sections 222 and 237, for authority to construct sidings across Stadacona and Marlboro streets in Hochelaga ward, Montreal, P.Q. (File No. 22681.25.)

Order made granting the application. See Order No. 23390.

5358. Application of the parish of St. Eustache for an order directing the C.N.R. to at all times keep the subway at Oka road near St. Eustache free from water and clear of snow, as in winter during the bad weather the road will be impassable on account of accumulation of snow. (File No. 2342.34.)

Judgment reserved. Board's engineer to report on question of drainage.

5359. Application of Narcisse Lalone, St. Genevieve, P.Q., under section 253, for an order directing the Canadian Northern Ontario Railway Company to provide and construct a suitable farm crossing across its railway at road on lot 92, parish of St. Genevieve, P.Q. (File No. 23948.)

Application struck off the list. Applicant to have right to reinstate it at any time.

5360. Application of the Canadian Northern Ontario Railway, under section 237, for authority to cross the St. Laurent Road in the town of Cartierville, county of Jacques Cartier, P.Q. (File No. 2342.105.)

Order made granting the application and rescinding Order of the Board No. 18384, dated December 23, 1912. (See Order No. 23279.)

5361. Application of the Canadian Northern Ontario Ry Co., under section 237, for authority to cross the Monkland Boulevard in the town of Cartierville, P.Q., in the county of Jacques Cartier, P.Q. (File No. 2342-110.)

Order made granting the application. See Order No. 23389.

5362. Application of the Canadian Northern Ontario Railway Company, under section 237, for authority to divert the Petit Bois Franc Road between the town of Cartierville and the parish of St. Laurent, P.Q., temporarily for the purpose of constructing a trestle and raising the grade of its railway at this point, no diversion to be authorized until such time as the Board decides the permanent nature of this crossing (File No. 2342-125.)

Order made granting the application. Applicant company to pay town of Cartierville the sum of \$12,000 as soon as the Petit Bois Franc Road is legally closed at the point where the railway crosses the same. See Order 23298. . .

5363. Application of the Canadian Northern Ontario Ry., under section 237, for authority to cross and divert the Petit Bois Franc Road, on lots 39, 40 and 44, and ditch across lot 44, in the town of Cartierville, county of Jacques-Cartier, P.Q. (File No. 2342-125.)

Order made granting application. Applicant company to pay to the town of Cartierville the sum of \$12,000 as soon as the Petit Bois Franc Road is legally closed at the point where the railway crosses the same. (See Order 23298.)

5364. Application of the city of Montreal, P.Q., under section 237, for authority to extend as a public highway or street over the right-of-way of the Canadian Northern Quebec Railway Co., at Cadillac street, Longue Pointe Ward, Montreal, P.Q. (File No. 25054.)

Order made granting application. (See Order 23233.)

5365. Complaint of the town of Lasalle, P.Q., against the diversion of St. Patrick street, Lasalle, P.Q., by the Canadian Pacific Railway Company in connection with the construction of the Lachine canal bridge without permission from the municipality. (File No. 1780.)

Judgment reserved. Board's engineer to make inspection and report.

5366. Application of the City of Montreal, P.Q., for an order directing the Canadian Pacific Railway Company to erect gates at Cote des Neiges Road, Cote des Neiges Ward, City of Montreal, P.Q., where same is crossed by the tracks of the Canadian Pacific Railway Company. (File No. 9437-565.)

Order made amending Order 12321 by providing that during the season of navigation the crossing be protected by watchmen between the hours of 7 a.m. and 7 p.m. daily.

5367. Application of the Ontario & Quebec Railway Company (C.P.R.) under section 237, for authority to construct a fourth track of its main line, Eastern Division, across part of Prospect Street, in the City of Westmount, P.Q. (File No. 24940.)

Order made granting the application. See Order No. 23897.

5368. Application of the Canadian Pacific Railway Company, under section 29, for an order rescinding Order No. 6147, dated January 21st, 1909, as amended by Order No. 10100, dated March 15th, 1910, in so far as said order refers to the charge imposed for stop-over at Cartier, Ont., on western grain and grain products in carloads consigned to Cartier "for orders" and further authorizing the applicant company to charge the following tolls in addition to stopover and car service charges, as provided in its tariffs, on all cars remaining on hand at Cartier awaiting furtherance orders after the expiration of 72 hours from the time of arrival, viz.:—for the first two days—\$1.00 per car per day or part thereof, and for each succeeding day—\$2.00 per day or part thereof. (File No. 8641.)

Judgment reserved. Matter referred to the Board's chief traffic officer to report on.

## SESSIONAL PAPER No. 20c

5369. Continuation of the inquiry into the tolls and practices with respect to interswitching. (File No. 6713. Case No. 2846.)

Judgment reserved.

5370. Complaint of the Montreal Corn Exchange Association against the proposed increase in the rate on grain and grain products from Fort William to points in Ontario, Quebec and Maritime Provinces as published in Supplement 24 to C.P.R. Tariff C.R.C. No. E-2480. (Note.) The C.P.R. Company will be required to justify the proposed increase. (File No. 25483.)

No order made as to the furtherance or through rates. Railway company gave undertaking that supplements will be filed before the effective dates of the tariffs in question striking out from such tariffs the advances in local rates and restoring the existing local rates.

5371. Complaint of the Toronto Board of Trade and Dominion Millers' Association against the proposed increase in rates on grain and grain products from points in Ontario and Quebec to points in the Maritime Provinces published in C.P.R. Tariff C.R.C. No. E-2930 and the G.T.R. Tariff C.R.C. No. E-3060.

(Note.) The railway companies will be required to justify the proposed advances. (File No. 17112-1.)

No order made as to furtherance or through rates. Undertaking given that supplement will be filed before the effective date of tariff in question, striking out from such tariffs the advances in local rates and restoring the existing local rates.

5372. Complaint of W. S. Bilton, of Newboro, Ont., against the published rates on coal, as excessive, as follows:—

(a) Ferry rate, Ogdensburg, N.Y., to Prescott;

(b) G.T.R., Prescott to Lyn;

(c) C.N.R., Lyn to Newboro.

(File No. 25337.)

Order made directing the Grand Trunk & Canadian Northern railway companies to publish and file a tariff of joint rates to apply on coal in carloads of a minimum weight of 15 tons gross shipped from Prescott. See Order 23375.

5373. Complaint of the Hamilton & Toronto Sewer Pipe Co., Ltd., of Hamilton, Ontario, against the rate charged by the Grand Trunk Railway Company on clay from the complainant's new pit to Hamilton, Ont. (File 25459.)

No order made as to furtherance or through rates. Undertaking given that Supplement will be filed before the effective date of tariff in question, striking out from such tariffs the advances in local rates and restoring the existing local rates.

5374. Complaint of the Dominion Match Company, Limited, of Deseronto, Ontario, that the Grand Trunk and Canadian Northern railway companies have cancelled the joint rates between Deseronto, Ont., and points on the G.T.R. between Toronto, Ontario, and Montreal, P.Q. (File No. 25140.)

Struck off the list.

5375. Express companies subject to the jurisdiction of the Board will be required to speak to the question whether the words "or from conditions beyond its control" in clause (c), and the words "beyond its control" in clause (h), rule 5, of the terms and conditions embodied in the Express Merchandise Receipt exempting the companies from liability for loss, damage or delay where negligence does not arise by default of the Express Company, but by default of the railway company. (File No. 3507. Case No. 219.)

Judgment reserved.

5376. Railway companies will be required to show why the recent increases in the international freight rates between Canada and the United States should be allowed to stand as filed with the board. File No. 23359.

Judgment reserved.



5377. Complaint of Geo. E. Earl and others, of Winchester, Ontario, against the proposed withdrawal by the Bell Telephone Company of its telephone service in that district. (File No. 3574-138.)

Application dismissed, board holding that it had no jurisdiction under the Railway Act to deal with the matter.

5378. Complaint of the Corporation of the Parish of St. Francois Xavier de Brompton, P.Q., that the right of way of the Canadian Pacific Railway Company is too close to the public highway at different points in that parish. (File No. 25011.)

Board decided that it would take up with the municipality the question of whether there is a cadastral plan showing the road at the two points in question referred to in the report of the Board's Engineer, and whether the railroad company has encroached on the road.

5379. Application of the Campbellford, Lake Ontario and Western Railway Company, under sections 167, 222, 237 and 227, for approval of two revisions of the applicant company's line as sanctioned by Order No. 21733 at points east and west of Eugenia street, Trenton, Ontario. (2) for approval of two connections with the Canadian Northern Ontario Railway Company to said town of Trenton; (3) for approval of the location of said proposed revisions on Ontario street, in said town of Trenton, Ontario; (4) authorizing the operation of said revisions and connections. (File No. 3701-379.)

Order made dismissing the application. See Order 23443.

5380. Application of the Canadian Pacific Railway Company, under section 222, for authority to construct the Longue Pointe spur from a point on its main line, in Hochelaga ward of the city of Montreal, P.Q., to a point in Longue Pointe ward, Montreal, P.Q. (Adjourned hearing.) (File No. 17716-12.)

Judgment reserved, the board to visit the *locus*.

5381. Application of the Canadian Pacific Railway Company, under section 237, for authority to construct and operate the Longue Pointe spur across the following streets and highways between mile 0.77 and 1.69, in the city of Maisonneuve, P.Q., Bourbonniere avenue, D'Orléans avenue, Charlemagne street, Lasalle avenue, Letourneau avenue, Bennett avenue, Aird, Fifth, Fourth, Third, Second and First avenues, in accordance with detail plans of the overhead structures at Bourbonniere avenue, D'Orléans avenue, Charlemagne street, Jeanne d'Arc avenue, Pie IX Boulevard, Desjardins avenue, Lasalle avenue and Letourneau avenue. (Adjourned hearing.) (File No. 17716-13.)

Judgment reserved, the board to visit the *locus*.

5382. Application of James McConkey, of the township of Brantford, Ontario, under section 237, for approval of the construction of highway crossing across the line of the Grand Trunk Railway Company at James street, Township of Brantford, and for leave to carry the highway across the tracks of the G.T.R. at said point. (File No. 23929.)

Board decided that no order should be made under existing conditions.

5383. Consideration of the matter of protection at the crossing of the Port Burwell branch of the Canadian Pacific Railway Co. over Port Burwell road, at mileage 32.7, Port Burwell Branch. (File No. 9437-801.)

Judgment reserved.

5384. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Currier avenue, in the township of Brantford, Ontario. (File No. 18034-91.)

Application granted.

5385. Application of the Lake Erie and Northern Railway Company, for an order approving of the revision of the grade of the Lake Erie and Northern Railway through the city of Brantford, Ontario. (File No. 18034-80.)

Judgment reserved.

## SESSIONAL PAPER No. 20c

5386. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Mount Pleasant road in the township of Brantford, Ontario. (File No. 18034.87.)

Judgment reserved.

5387. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Graham avenue, in the township of Brantford, Ontario. (File No. 18034.85.)

Application granted.

5388. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Bellwood avenue, in the township of Brantford, Ontario. (File No. 18034.88.)

Application granted.

5389. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Harold avenue, in the township of Brantford, Ontario. (File No. 18034.89.)

Application granted.

5390. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross George avenue, in the township of Brantford, Ontario. (File No. 18034.81.)

Application granted.

5391. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Stirton avenue, in the township of Brantford, Ontario. (File No. 18034.86.)

Application granted.

5392. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Wade street, in the township of Brantford, Ontario. (File No. 18034.90.)

Application granted.

5393. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Henry avenue, in the township of Brantford, Ontario. (File No. 18034.83.)

Application granted.

5394. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Wilson street, in the township of Brantford, Ontario. (File No. 18034.84.)

Application granted.

5395. Application of the Lake Erie and Northern Railway Company, under section 237, for authority to cross Scarfe street, in the township of Brantford, Ontario. (File No. 18034.82.)

Application granted.

5396. Application of the Essex Terminal Railway Company for an order, under section 222, for authority to construct a branch line from a point on lot No. 59, town of Sandwich, formerly in concession 1, of the township of Sandwich, to and along Russell street from the northerly limit of said lot No. 59 to the southerly limit of Huron street. (File No. 3704.11.)

Order made refusing the application. See Order No. 23466.

5397. Application of the municipal corporation of the city of Windsor, Ontario, under sections 235-243, for an order directing the Michigan Central Railway Company to provide and construct a suitable level crossing over said company's line of railway at the intersection with Wyandotte street, Windsor, Ontario. (File No. 24283.)

Order made refusing the application but granting leave to cross the tracks of the Michigan Central Railway Co. at Wyandotte street by means of an overhead

6 GEORGE V, A. 1916

crossing as provided by Order of the Board. No. 10235, dated April 19, 1910. See Order No. 23446.

5398. Application of the municipal corporation of the city of Windsor, Ontario, under sections 235-243, for an order directing the Canadian Pacific Railway Company to provide and construct a suitable bridge and crossing over the said company's line of railway at its intersection with London street, in the city of Windsor, Ontario. (File No. 9437.1128.)

Judgment reserved.

5399. Grand Trunk Railway Company will be required to justify the exclusion of team tracks from its interswitching service to or from the C.P.R. at Woodstock, Ontario, while performing such service at Lindsay, London, Montreal and Toronto under the provisions of Supplement No. 26 to its Tariff C.R.C. No. E-2457. (File No. 19801.70.)

No order necessary the G. T. R. Co. undertaking to restore the service as it was before without prejudice to the general question of interswitching now pending before the board.

5400. The Canadian Pacific Railway Company will be required to show cause why an order should not be made requiring them to maintain a signalman at the crossing of the Kingston and Pembroke railway over the tracks of the Ontario and Quebec railway at Sharbot Lake, Ontario. (File No. 25492.)

Judgment reserved.

5401. In the matter of the Order of the Board No. 14184, dated May 9, and 10, 1911, and the application of the Bell Telephone Company of Canada. in pursuance of the terms thereof, for an order rescinding said order in so far as it concerns the Ingersoll Telephone Company, Ltd., the Blenheim and South Kent Telephone Co., Ltd., the Peoples Telephone Company of Forest, Ltd., the Markham & Pickering Telephone Co., Ltd., the South Lambton Telephone Co-Operative Association, Ltd., the Niagara District Telephone Company, Ltd., the municipal corporation of the village of Brussels being the initiating municipality of the Brussels, Morris & Grey Municipal Telephone System, and the Wheatly Telephone Company, Ltd.

And in the matter of the application on behalf of the said telephone companies for an order varying said Order No. 14184 by reducing and making reciprocal the connecting toll or by eliminating the said toll altogether; and also by extending the operation of the said order to all independent systems competing with the Bell Telephone Company.

(Note.) The matter is set down to speak to the settlement of the terms of the order as based on what is contained in the judgment of the board on file 16171 and dated July 16, 1914. (File No. 16171.)

Judgment reserved.

5402. Application of the Canadian Pacific Railway Company for re-hearing in the matter of the crossing of Dundas street by the Canadian Pacific railway in the township of Toronto, Ontario, authorized to be constructed by Order No. 21913; also consideration of the matter of protection at the C.P.P. crossing at Hurontario street, being between lots 15 and 16, concession 1, township of Toronto, mile 15-25. (Adjourned hearing.) (File No. 22282.)

Order made rescinding Order No. 21931, dated May 29, 1914, upon condition that the applicant company install by the 20th July an automatic bell at the said crossing; 20% of the cost of installation to be paid out of The Railway Grade Crossing Fund and the balance by the applicant company. See Order No. 23726.

5403. Application of the corporation of the township of Niagara, Ont., under section 237, for an order directing the Michigan Central Railroad Company to provide and construct a suitable highway crossing where the company's railroad intersects the



## SESSIONAL PAPER No. 20c

public highway between lots 8 and 9, and known as the "Fisher Road" in the township of Niagara, Ont. (File No. 24512.)

## Application withdrawn.

5404. Complaint of W. H. Bunting, St. Catharines, Ont., against the proposed increase in the rates on manure, C.L., from Toronto and Hamilton, for Canadian Northern delivery at St. Catharines and Niagara Falls, Ont., as published in G.T.R. Tariff C.R.C. No. E-3035.

(Note.) The Grand Trunk Railway Company will be required to justify the proposed advance. (File No. 6713-54.)

Order made disallowing proposed rate and restoring rate of two and three quarter cents per hundred pounds on a minimum of 60,000 pounds. Change effective 21st of April 1915. See Order 23507.

5405. Application of the township of Oro, Ont., for an interpretation of clause 4 of Order No. 12714, dated December 12, 1910, relative to use of old gravel pit, *in re* Raike's overhead crossing by the Grand Trunk Railway Company, north of Barrie, Ont.; also to have the G. T. R. Co., agree to maintain the bridge road and guard rail within the limits of their 66 feet right of way and the guard rail now erected on the north side of the track, the township to agree to maintain the guard rail and roadbed on south side of bridge; also to have the G.T.R. Co. furnish the township with a satisfactory deed of the new road. (File No. 9437-560.)

Matter referred to the board's chief engineer to take up with the engineer of the railway company. The railway company to submit to the board a draft deed of the new road proposed.

5406. Complaint of Captain Edward Elliott, owner of Lot 4, Block E.E., in the East Ward of the town of Lindsay, Ont., against the Georgian Bay and Seaboard Air Line Railway Company (C.P.R.) closing up the north end of Caroline street, in the town of Lindsay, Ont. (File No. 2100-10.)

Complaint dismissed without prejudice to the clerk of the town of Lindsay to make a further application for a crossing over the railway. See Order No. 23506.

5407. Complaint of the Ontario Commercial Travellers' Association, of London, Ontario, against the reduction of train service by the Grand Trunk Railway Company, and request for restoration of that company's former time-table of train leaving London for Owen Sound at 6 a.m., arriving in Owen Sound at 11.35 a.m., also train leaving London at 10 a.m., arriving in Stratford to connect with Port Dover, which used to go north to Owen Sound. (File No. 25447.)

Referred to board's chief operating officer to report on.

5408. Application of the London Railway Commission, of London, Ont., for an order granting the London and Port Stanley Railway Co. the right to operate its cars and trains, propelled by electric power, over the Grand Trunk Railway Company's tracks at London, Ont. (File No. 25649.)

Order made authorizing the applicant to take possession of the land belonging to the G.T.R. Co., set forth in the order; also authorizing the applicant to construct its tracks and erect poles along Bathurst street in the city of London. See Order No. 23753.

5409. Application of the Graham Company, Ltd., of Belleville, Ont., for 5th class rates on evaporated or desiccated vegetables, in carloads, to St. Lawrence and Atlantic ports for export. (File No. 19367-43.)

No order made. To be dealt with in connection with Eastern Rates Case.

5410 and 5411. Application of the G. T. Clarkson, trustee for the creditors of Lloyd & Sons, Limited, of the town of Trenton, Ont., for an order rescinding order of the board, No. 21971, *re* matter of C.L.O. & W. Ry., and expropriation of certain property in lots 3, 4 and 5, Ontario street, and part of lot 1A, concession 1, township of Murray, all in the town of Trenton, Ont. (File 3701-347.)

Order made that the application to restrict the right of expropriation be dismissed; provision made that the arbitration pending to determine the compensation to be paid in respect to the taking of petitioners land and for damages be continued as an arbitration under the Railway Act, subject to the provisions set forth in the order. See Order No. 23504.

5412. Complaint of F. A. Fish, of Toronto, Ont., that on coal ex-Niagara frontier, consigned to Toronto for furtherance, and which is transferred in the same cars for Canadian Northern destinations, paying the published tariff rate of each company, the Canadian Northern illegally makes a "diversion" charge of \$3 per car at Toronto. (File No. 24607.)

Board decided it had no jurisdiction to order a refund.

5413. Application of J. H. Jones, of Toronto, Ont., under section 317, for an order directing the Grand Trunk Railway Company of Canada and Walter Mann, of the city of Toronto, to afford the applicant reasonable facilities for receiving and delivering traffic on private siding at Bloor street west, and for an order directing the said G.T.R. Co. and Walter Mann to pay damages to the applicant for failure to afford such damages. (File No. 25554.)

Order made directing applicant to pay G.T.R. Co. rent for the siding for last three and one-half years. Company to resume service forthwith. See Order No. 23503.

5414. Complaint of Christie, Henderson & Company, Limited, Toronto, Ont., that the Grand Trunk Railway Company refuse to make an allowance for 296 doors furnished for cars of lime shipped from Galt, Ont. (File No. 25541.)

Order made dismissing the application. See Order No. 23500.

5415. Application of the corporation of the city of Toronto, Ont., for an order directing the Bell Telephone Company of Canada to file with the board the tariffs of tolls, applying the same tolls to the territory recently annexed to that part of the city of Toronto formerly known as the town of North Toronto, as are now charged within the limits of the company's Toronto exchange for Toronto exchange services; the said tariffs to become effective on the date to be fixed by such order, and directing the company to charge only such tolls after the said date. (File No. 3574.74.)

Order made directing the Bell Telephone Company to file with the board tariffs of tolls, applying the same tolls to the territory recently annexed to that part of the city of Toronto formerly known as the town of North Toronto, as are now charged within the limits of the company's Toronto exchange for Toronto exchange services, such tariff to be effective January 1, 1916. See Order 23497.

5416. Application of the Canadian Pacific Railway Company, under section 29, for an order amending order of the board No. 22691 in the matter of the consideration of the question of the grade crossing by the tracks of the applicant company at Yonge street, North Toronto, Ont., so as to provide that the approach to the subway on the southerly side shall have a grade of five per cent instead of two and a half per cent as shown on the plan referred to in paragraph 1 of the said order. (File No. 9437.153.)

Order made dismissing the application. See order No. 23508.

5417. Application of the executive of the Toronto Civic Guild for an order directing the Canadian Northern and the Canadian Pacific Railway Companies to furnish to the city of Toronto particulars as to the location of the tracks and the grades to be established in carrying out the new railway work east of Yonge street, particularly at the intersections of Maclellan avenue, Sight Hill avenue and Summerhill avenue. (File No. 12021.70.)

Judgment reserved.

5418. Application of the corporation of the city of Toronto, Ont., under sections 237 and 257, for approval of plan showing the construction of a subway under the tracks of the Grand Trunk Railway Company at the proposed extension of Wilton avenue to connect with Dickens avenue, Toronto, Ont. (File No. 25450.)

## SESSIONAL PAPER No. 20c

Order made granting the application subject to conditions set forth in the order; 20 per cent of the cost of constructing the subway, not exceeding \$5,000, to be paid out of The Railway Grade Crossing Fund; \$10,000 to be paid by the G.T.R. Co., and the balance of the cost to be borne by the applicant. See Order 23505.

5419. Application of the city of Toronto, Ont., for approval of plans of reconstruction of the Bathurst Street bridge over the right of way of the Grand Trunk Railway Company and the Toronto Terminals Railway Company as shown on plans on profile with the board, and as to the question of the expense thereof. (File No. 25406.)

Struck off the list until with leave to applicant to have reinstated on notice.

5420. Application of the Canadian Pacific Railway Company for an amendment of order No. 10782, the said amendment to provide as to the division of responsibility for accidents due to the negligence of the gatemen at public crossing at Royce avenue, Toronto, Ont. (File No. 9437-149.)

Judgment reserved.

5421. Consideration of the matter of responsibility for accidents due to negligence of signalmen at diamond crossing. (File No. 15499.135.)

Struck off the list. Railway companies at liberty to bring the matter up at any time.

5422. Application of the Canadian Pacific Railway Company for an order in the North Toronto grade separation case directing the parties who are required under the judgment of the board to contribute to the cost of the work to pay to the C. P. R. Co. their proper proportion of the expense hitherto incurred upon receipt of duly certified accounts, such parties hereafter to pay their proper proportion of such work including land damages from time to time upon receipt of certified progress estimates showing the amount expended thereon until completed. (File No. 9437.153.)

Order made amending order No. 22691, dated October 9, 1914, to provide that the approach to the subway at Yonge street, North Toronto, on the southerly side shall have a grade of 5 per cent. See Order No. 23596.



## APPENDIX "C."

APPLICATION OF THE FONTHILL GRAVEL COMPANY, LIMITED, FOR AN ORDER REDUCING THE RATES FROM FONTHILL TO TORONTO ON MOULDING SAND, OVER THE LINES OF THE NIAGARA, ST. CATHARINES AND TORONTO RAILWAY COMPANY AND THE GRAND TRUNK RAILWAY COMPANY.

Judgment, Mr. Commissioner McLean, February 9, 1914:

Complaint is made that the rate of \$1 per ton on moulding sand from Fonthill to Toronto, which has been in force since July 1, 1912, is unreasonable; and it is urged that the rate of 90 cents per ton, which prior to the date in question had been in force, should be re-established.

The movement from Fonthill to Toronto is a two-line movement, with a total distance of 78 miles; 13 miles of this is on the line of the Niagara, St. Catharines and Toronto Railway Company from Fonthill to St. Catharines; the balance is over the line of the Grand Trunk Railway Company. The evidence submitted as to the value of the commodity is contradictory. It is stated by counsel for the applicants that this moulding sand is worth 75 cents per ton f.o.b. cars. There is also the statement that it is worth 90 cents. It has been ascertained by investigation that moulding sand used in Ottawa by various companies is obtained from such points as Albany, Cedar Hill, Mechanicsville, and South Amboy, N.Y., this sand being sold at 90 cents f.o.b. New York. Sand is a commodity which has a low value in a comparatively large bulk. Consequently it cannot bear as large a part of general costs as other more highly valued commodities.

At the same time, there must be considered the nature of the service performed by the railway, for the allegation that a commodity cannot be disposed of in the market at a profit on the existing rate, even if such allegation is found to be justified, is not necessarily conclusive of the unreasonableness of the rate. Whether or not an article can be disposed of at a profit may depend upon conditions for which the railway is in no way responsible. The obligation of the railway is as to the reasonableness of the charges for the service performed by it.

Toronto is a consumer of a very considerable amount of moulding sand. During the year ending December 31, 1912, there was shipped into Toronto 6,020 tons of moulding sand from the following points: Stamford, St. Catharines, Copetown, Hamilton, Stony Creek and Winona. The rates vary from 70 cents per ton in the case of the 39-mile haul from Hamilton, to \$1 on the 95-mile haul from Stamford. Stamford is the most important shipping point on this list, since it supplied 3,400 tons out of the total, or approximately 55 per cent. The next most important point is St. Catharines, which is 65 miles from Toronto and pays a rate of 90 cents per ton. It supplied 915 tons. The shipments from Fonthill amounted to 86 tons.

The rates on moulding sand shipped into Toronto from the points mentioned in the preceding paragraph take into consideration supplies of this commodity from various sources competing in a common market. In the arrangement of rates on moulding sand, a special rate basis is used. The commodity is tenth class; but provision is made for lower rates, e.g., in Grand Trunk tariff C.R.C. E-2552, which quotes rates on building material, in which group moulding sand is included. Taking a mileage of 80 miles, the local mileage distance tariff and the special and competitive mileage basis under the G.T.R. tariff above mentioned work out as follows:

	Per ton.
Local mileage distance tariff . . . . .	\$2 00
Special and competitive mileage . . . . .	1 30

## SESSIONAL PAPER No. 20c

The rate charged for the same mileage from Fonthill is \$1 per ton.

In the arrangement of the rates from the Niagara district the rates have been grouped, St. Catharines being taken as a basing point. In building the rate from Fonthill, the practice as contained in the tariffs is to make the Fonthill rate 10 cents per ton over St. Catharines, when the St. Catharines rates are less than \$1; but when the St. Catharines rates are \$1 or over per ton the \$1 rate applies to both points. The reason advanced for this arrangement is that on a 90-cent rate, the second carrier would, in order to allow the Niagara, St. Catharines and Toronto Railway Company the division asked for by it, have to shrink its own division of the rate too much.

While Fonthill has a two-line haul to Toronto, the sand may move from Stamford by not only a two-line haul but also by a three-line haul. There is available a route of 80 miles, 3 miles of which is on the Michigan Central, the balance being via the Grand Trunk. The three-line haul is made up as follows:

Stamford to Welland via M.C.R. . . . .	17 miles.
Welland to Hamilton via T. H. & B. . . . .	38 "
Hamilton to Toronto via C.P.R. . . . .	40 "

The route so furnished is 17 miles longer than the distance from Fonthill, while the rate is the same. The rate on the three-line haul from Stamford is, however, held down by the 80-mile movement on the two-line haul. While the Michigan Central may prefer the three-line to the two-line movement, since on the latter it would receive only the rate covered under the interswitching tariff, the distance on its lines being less than three miles, it is apparent that the mileage of the two-line haul holds down the rate of the longer three-line haul. The one-line haul of the Grand Trunk on moulding sand from St. Catharines to Berlin, a distance of 91 miles, is \$1.10. Again, the one-line rate of the Grand Trunk from Hamilton to London, a distance of 76 miles, is \$1. It has been recognized that a two-line or a three-line haul may, within limits, have a justification for being higher than the single line rate for the same distance. Here the rate for the two-line haul is the same as for the one-line haul.

Out of the rate of \$1 from Fonthill, the Grand Trunk receives 78 cents for a distance of 65 miles. From Hamilton to Elora, a distance of 60 miles, it receives on moulding sand 90 cents. It does not appear that the division of the rate received by the Grand Trunk for this portion of the two-line haul is excessive when consideration is turned to what it receives for a substantially similar single line haul.

There remains, then, the consideration of the portion of the haul over the line of the Niagara, St. Catharines and Toronto Railway. In this short haul of 13 miles, the terminal cost plays a more important part in fixing the rate than if the haul were longer. This must manifestly be so since the terminal cost being fixed the shorter the mileage it has to be spread over the more important its effect is upon the total rate. The board in its interswitching order has recognized a charge of one cent per 100 pounds as proper for a 4-mile haul. This moulding sand loads about 30 tons to the car, which would give a charge of \$6 for four miles. If the charge of 20 cents per ton for the 4-mile haul is reasonable, it would appear that while the interswitching charge is not necessarily conclusive as a measure of the line haul, the charge of 22 cents per ton for the haul of 13 miles is not an unreasonable one. I have not been able to get a single line rate exactly comparable with the Niagara, St. Catharines and Toronto division of the rate. A through rate should normally be less than the sum of the locals. In the local or single line rate, there are two terminals. In the through rate, made up of the haul over two lines, there is in each division of the through rate only one terminal. Bearing in mind, however, the difference between the local rate and the division of the through rate, the local rate is of interest for comparative purposes. Between Copetown and Paris, a distance of 18 miles, the single line rate of the Grand Trunk on moulding sand is 60 cents per ton. In the complaint

6 GEORGE V, A. 1916

of the Clifton Sand, Gravel and Construction Company, File 18265, the board had before it complaints as to various rate points in connection with the movement of sand and gravel from Stamford. The board found, to cite one of the points, that the rate of 30 cents per ton from Stamford to Welland, a distance of 16.4 miles, was not unreasonable. This was a single line haul.

On full consideration of the situation it does not appear to me that the divisions of the through rate from Fonthill are unreasonable, and it consequently follows that the through rate itself is not unreasonable.

Chief Commissioner Drayton concurred.

Order issued, dismissing application.

(NOTE.—Judgment herein was not issued until July 25, 1914.) Reported in 17, Can. Ry. Cas., 248.

THE PORT HOPE TELEPHONE COMPANY, LIMITED, APPLIES TO THE BOARD UNDER AN ACT TO AMEND THE RAILWAY ACT, 7-8 ED. VII, CHAP. 61, SEC. 4, AND OTHER SECTIONS, FOR A RULING THAT THE APPLICANT COMPANY IS NOT A COMPETITIVE COMPANY IN COMPETITION WITH THE BELL TELEPHONE COMPANY OF CANADA, LIMITED, AND FOR AN ORDER DIRECTING A CONNECTION OF THE LINES OF THE TWO COMPANIES FOR THE PURPOSE OF INTERCHANGE OF BUSINESS BETWEEN THE TWO COMPANIES AT THE TOWN OF BOWMANVILLE, OR, IF THE BOARD SHOULD FIND THAT THE PORT HOPE TELEPHONE COMPANY, LIMITED, IS A SYSTEM OPERATING IN PART OR PARTS IN COMPETITION WITH THE SAID THE BELL TELEPHONE COMPANY OF CANADA, LIMITED, AND IN PART OR PARTS NOT IN COMPETITION WITH THE BELL TELEPHONE COMPANY OF CANADA, LIMITED, THEN FOR A DECLARATION TO THAT EFFECT, AND AN ORDER THAT THE SAID TWO COMPANIES SHALL CONNECT THEIR LINES AT THE SAID TOWN OF BOWMANVILLE, FOR THE PURPOSE OF AN INTERCHANGE OF BUSINESS BETWEEN THOSE PARTS OF THEIR SAID LINES RESPECTIVELY AS SHALL BE FOUND NOT TO BE IN COMPETITION THE ONE WITH THE OTHER.

Judgment, Commissioner McLean, March 30, 1914.

It is unnecessary to examine into the merits of the present application, unless the board has jurisdiction.

By 7-8 Edward VII., chap. 61, the jurisdiction of the board in regard to telephones is defined. The jurisdiction which is given follows in a general way that given in regard to railways. It is, however, recognized by the exclusion of certain sections of the Railway Act that the provisions of the Railway Act applicable to railways are not applicable to telephones in their entirety. The fact that there is not an identity of conditions as between telephone and railway service is further emphasized by section 5 of 7-8 Edward VII, chap. 61, which, after setting out certain sections of the Railway Act which do not apply to telephones, continues by saying that, subject to such exceptions—

“The several provisions of the Railway Act. . . . in so far as reasonably applicable and not inconsistent with this part or the Special Act shall apply to the jurisdiction of the board. . . . .”

A consideration of the scope of the jurisdiction as set out in section 5 above mentioned shows that it is primarily a rate jurisdiction which is here conferred upon the board. Further limitations appear on further analysis. The jurisdiction so set out is to—

“apply generally to companies within the purview of this Part.”

Subsection (b) of the interpretation clause of this legislation states—

“Company.....includes.....telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct a.....telephone system or line and to charge.....telephone tolls.”



## SESSIONAL PAPER No. 20c

It appears, therefore, that the provisions of the Railway Act are applicable only in so far as companies are concerned, to companies within the legislative authority of the Parliament of Canada. It follows, therefore, that a telephone company not within such authority cannot invoke the power of the board on an allegation of discriminatory treatment on the part of a telephone company subject to the board's jurisdiction. That is to say, the Bell Company may make an agreement with one provincially chartered company, while it may refuse to make an agreement with another which is alleged to be similarly situated.

There has been worked out, and is available, a form of agreement for "non-competing" companies. It should at the same time be pointed out that there is nowhere in the Railway Act any definition of a competing company in so far as a telephone company is concerned. It is true that in the decision of the board which granted connection on terms to certain "competing" companies, the word "competition" is used:

"One of the outstanding matters and one that presents the greatest difficulty in connection with this question is the position taken by the Bell Telephone Company that they would refuse to enter into any contract with a local company where that local company was in competition with the Bell Company."

Judging from the context, the word "competition" as used in the judgment was equivalent to "duplication." In the course of the hearing, the following discussion took place:

"Hon. Mr. MABEE: We have never had any doubt, Mr. Sylvan, about the absurdity of duplication of plants. It is not exactly competition.

"A. It is not."

The word "competition" as used in the judgment appears to have been used in a descriptive, not in a definite, sense. The words "competing" and "non-competing" as describing telephone companies, are not words of legal precision. As the situation presents itself to me, they have been brought before the board as the result of the business practice of the Bell Company. They in reality are concerned with differentiating two sets of companies—companies with which the Bell Company has made agreements, and companies, with which it has not made agreements; and while the Bell Company may have made a distinction in practice based on the question of competition—no matter how it may have defined this word—it does not follow that this was the sole consideration on which this company would refuse to enter into an agreement. Certainly its discretion in this respect is not limited by statute.

The board is given power under subsections 5 and 6 of section 4 of the legislation of 1908, already cited, to order a company, subject to its jurisdiction, to afford to another company, whether subject to its jurisdiction or otherwise, the use of its long distance system upon such terms as to compensation as the board deems just and expedient. How the Bell Company may exercise its discretion in the matter of an agreement the board is not concerned, so far as these subsections are concerned, in advance of an application. The condition precedent to application being entertained and action taken by the board under these subsections is the inability of the applicant to arrive at an agreement, in respect of long distance connection, with the company owning, controlling or operating the long distance system.

The jurisdiction of the board is to make an order on terms, not to issue a declaratory order as to status.

Reported in 17 Can. Ry. Cas. 343. Concurred in by Assistant Chief Commissioner Scott and Commissioner Goodeve.

6 GEORGE V, A. 1916

APPLICATION OF IMPERIAL OIL COMPANY, LIMITED, FOR AN ORDER DIRECTING REDUCTION IN FREIGHT ON PETROLEUM AND PETROLEUM PRODUCTS, IN CARLOADS, FROM VANCOUVER EAST TO ALBERTA POINTS.

Judgment, Chief Commissioner Drayton, April 7, 1915:

No case whatever has so far been made out for interference by the board. The situation as developed at the hearing shows that the applicants whole difficulties are the result of geographical situation and trade competition. The case is covered by Canadian Oil Case, reported in XII C.R.C. 350. The applicants have asked time to consider situation and effect of this authority.

No order will, therefore, issue, and no further action taken unless applicants again communicate with the board.

Concurred in by Deputy Chief Commissioner Nantel and Commissioner Goodeve.

APPLICATION OF S. A. HAMILTON COMPANY, LIMITED, OF MOOSEJAW, SASK., FOR SPUR TRACKAGE TO LOT 1-12, BLOCK 24, PRAIRIE HEIGHTS, SASK., ON THE LINE OF THE CANADIAN PACIFIC RAILWAY COMPANY, TO SERVE LUMBER AND COAL YARDS.

Judgment, Chief Commissioner Drayton, April 8, 1914:

This case was originally heard at Moosejaw on November 3 last when after discussion a direction was made that an order would go under section 226 of the Act. Engineering details before the board being insufficient, the matter was referred to Mr. Drury for inspection. He has since reported, and the railway company has been notified that the spur should be built in the manner directed.

The company has since submitted an agreement to the applicants which would cover the construction of the spur without the necessity of an order. The agreement is one quite satisfactory to the applicants except in so far as the following provision is concerned:

"And will in like manner pay to the railway company all the costs and expenses which may be incurred by the railway company by reason of or arising out of any order or direction of the board heretofore or hereafter made in respect of or in any way affecting the said siding."

The applicants object to this clause.

I am of the opinion that the expenditures may be directed might possibly be of a character and for an object that would be entirely improper to make the applicants responsible for, and that the whole question should be left to the board; that is, not only the question as to work or practices which may in the future mean expenditure, but also the disposition of the resultant cost.

The spur may be built with clause now dealt with struck out, or under a formal order providing for the construction of the spur under section 226, the parties to be advised at once as to the disposition the board has made in this matter and make their election at an early date.

Commissioner McLean concurred.

Order issued authorizing construction of spur under section 226 of the Act.

#### THE CITY OF FORT WILLIAM *v.* C.P.R.

Judgment, Chief Commissioner Drayton, April 8, 1914.

Complaint has been made by the city of Fort William alleging that the Canadian Pacific Railway Company has taken up the tracks of the city's street railway where these tracks are crossed by an authorized spur to be constructed by the Canadian Pacific to the premises of the Starch Works, on Sixth street, Fort William.

It appears that the municipality and the railway company, entered into an agreement which is dated the 14th of December, 1908; that, under the terms of the agreement, a bridge is to be built sufficient not only for a railway but for street car and traffic purposes from Fort William across the Kaministiquia river, either to island No. 1 or No. 2, as the company selects. Apparently a bridge has been built to island No. 2, and the railway company is to provide the approaches for the street railway and vehicular traffic.

## SESSIONAL PAPER No. 20c

The city claims that the bridge which the company is bound to construct must be at the point where it laid its street car tracks which have been since interfered with. The company claims that the land in question is its land; while the city replies by stating that it is the only place where one of the necessary approaches can be made, and that the company is much in default in not having transferred the approach to the municipality. The company, on the other hand, says it cannot tell yet whether the approach will be there or not, and that no approach has yet been dedicated.

The case was heard last November. It is now quite time for the company to decide whether this is to be the approach or not.

The board has nothing to do with the specific performance of the agreement, and has not, as a matter of fact, anything before it to enable it to find where the approach should be or what it should consist of. Both parties seem either to have acted irregularly on the one hand or to be in default on the other. The city laid its track without leave on lands which apparently still belong to the railway company, and the company is admittedly in default regarding the highway approach which it agreed to provide and construct to the bridge.

The matter now seems to be one of dispute merely as to which will be senior—the C.P.R. spur track or the city street car rails. This is something which the board can deal with on the merits and apart altogether from any legal issues arising under the agreement; and, under the circumstances, my view is that neither party should be treated as senior, but that the necessary diamond where the tracks cross should be paid for equally. The matter really is trifling. There may be no necessity for protection, and the cost of the diamond will probably not exceed \$200. In case the position of the approach has been defined by this time, the city should have the right to lay its track across the C.P.R. spur,—the cost to be divided equally between the parties.

Commissioner Mills concurred.

COMPLAINT OF THE TORONTO BOARD OF TRADE AND OF LEAK & COMPANY, LIMITED, OF TORONTO, COMPLAINING OF THE REFUSAL OF THE GRAND TRUNK RAILWAY COMPANY TO ACCEPT FROM THE CANADIAN NORTHERN ONTARIO RAILWAY COMPANY CARLOAD FREIGHT REQUIRING TEAM TRACK DELIVERY AT TORONTO.

## RE GENERAL INTERSWITCHING ORDER OF THE BOARD.

Judgment, Chief Commissioner DRAYTON, April 8, 1914.

The Canadian Pacific and Grand Trunk Railway Companies were required by the board to show cause, at the sittings held on April 7, why the terms of the board's general interswitching order should not be extended to the use of team tracks.

This action was taken by the board as the result of the issuance of circular O.D.N.O. 954 of the Canadian Pacific addressed to agents and shippers as follows:—

"It has been the practice in the past in Toronto, and then only in some instances, to switch cars from connecting lines for team track delivery. Effective April 1, this practice will be discontinued. This does not affect the switching of cars to private sidings under the terms of our tariff N.O.E. 262."

The whole question of interswitching and local switching has been at loose ends for a long time. The board's general interswitching order was made on July 8, 1908, the order being made by the board as composed of the late chief commissioner, the Honourable Mr. Mabey, Honourable Mr. Bernier, and Commissioner Mills. Prior to the issuance of this order, railway companies at certain points were interswitching as a matter of agreement and perhaps mutual accommodation, and as a matter of board direction at London, Lindsay, New Westminster and Rossland.

It is claimed by the shippers that at first the railway companies construed the order as covering movements not only to private sidings, but also to team tracks, and



6 GEORGE V, A. 1916

probably for this reason the Canadian Pacific made its application to the board to re-open the London interswitching case. This application was heard at Toronto, January, 1909, and was for an order rescinding the London order fixing the rate to be charged for the interchange of traffic and the interswitching of cars over the branch line of the Grand Trunk Railway Company of Canada, and connecting the lines of the Grand Trunk Railway Company and the Canadian Pacific Railway Company at London.

The Honourable Mr. MABEE in his judgment, delivered November 27, 1911, states:—

“The ground upon which the application is based is that, on July 8, 1908, effective September 1, 1908, the board by its general interswitching order established certain tolls for interswitching generally within certain limits. The tolls that would be payable by the Canadian Pacific Railway Company to the Grand Trunk Railway Company for interswitching at London would be less under the general order than those payable under the special order of July 25, 1905.

“It may as well be said at the outset that, when the investigation was being held that led up to the making of the general order, the London situation was not present to my mind, and it was not intended that the order covering interswitching there should be interfered with by the general order. The companies have so regarded the matter. Hence this application for rescission of the London order, which would leave the general order applicable.”

The application was refused on the ground that the Canadian Pacific, under the London order, enjoyed rights greater than those given by the general order, and the London order placed at the disposal of the Canadian Pacific Railway Company every track of the Grand Trunk Railway Company in London except shed tracks. The distinction of facilities covered as between one order and the other consists of team tracks. In the opinion, therefore, of the late chief commissioner, the general order did not include team tracks. This judgment was concurred in by Commissioner Mills, who was also a party to the making of the original order.

A further ruling was made on the 3rd of February, 1912, to the effect that the interswitching order deals only with the tolls payable, and was never intended to compel one railway to turn over its entire terminals to another or others. Notwithstanding the rulings of the past, the railway companies, as evidenced by the circular issued by the Canadian Pacific and already referred to, have at least in part carried on interswitching so as to include team track deliveries. There is no doubt that team tracks do constitute, as has in the past been found by the board, terminals of the respective companies, and it well may be that the commission should not enable one company to carry on its business by the use of the terminals of another, and that, if such a principle was adhered to, general business would suffer largely, as no company would be able to get the slightest advantage in putting in expensive modern terminals giving the shippers an advanced or accelerated service, if their facilities could be made use of by any other company.

The question is too large a question, in view of the considered judgments of the board, to deal with at the present time.

The companies have been directed to furnish the board with such information as to cost of movement and the effect of an order which would include team tracks as well as private sidings.

Notwithstanding this position, I am of the view that the circular issued by the Canadian Pacific is not effective. The Canadian Pacific has issued its tariff No. E-2646 applying to lines Fort William, Ont., and east thereof. It is a special freight tariff covering local switching, interswitching, and absorption of switching charges on carload traffic, and applying to and from stations therein mentioned,

## SESSIONAL PAPER No. 20c

including, among many others, Toronto. The tariff states that traffic forwarded under switching rates as published therein will not be handled through company's warehouses or freight sheds, but must be taken delivery of direct from cars on private sidings or public team tracks. This notation is on the face of the tariff, and as inter-switching traffic is carried at switching rates just as truly as local switching is, covers the movement in both cases. Section 1 deals with the scale of local switching charges, and section 2 with interswitching charges at junction points. In neither case are team tracks excluded.

In my view, therefore, a switching movement is provided for by tariff properly issued and filed. The companies cannot, under the terms of the Act, decline traffic properly offered to them under these tariffs and within the terms of the tariffs, as I hold team tracks to be, until proper notice of cancellation has been given. As the cancellation of these tariffs will mean that the traffic will move at higher tolls, the result is that the cancellation cannot be effective until 30 days after its publication.

Assistant Chief Commissioner Scott and Mr. Commissioner McLean concurred.

Order issued declaring that the Grand Trunk Railway Company's Tariff, C.R.C. No. 2457 applied to and included the traffic ordered to it by the Canadian Northern Ontario Railway Company for delivery on team tracks at Toronto; and directing the Grand Trunk Railway Company to accept forthwith carload traffic offered by the Canadian Northern Ontario Railway Company for team track delivery at Toronto.

SUBWAY CARRYING HIGHWAY WHICH IS THE NORTHWEST BOUNDARY OF THE TOWN OF STREETSVILLE UNDER THE TRACKS OF THE CANADIAN PACIFIC RAILWAY.

Judgment, Assistant Chief Commissioner Scott, April 14, 1914:

For many years the Canadian Pacific Railway Company has had a single track crossing on the level over the highway between lots 5 and 6 in the 5th concession west, township of Toronto. The highway is partly in the village of Streetsville, and partly in the township of Toronto. It is the northwest boundary of the village. In connection with its double tracking of its London branch, the railway company applied to the board for approval of a second track over a number of highways in the village of Streetsville. By Order No. 20079, of the 15th of August last, the construction of a second track over the said highways was approved by the board, on consent of the municipality. It was understood, however, that the municipality desired a separation of grades on the highway now under consideration. After the hearing in Toronto on January 26 last, the board sent one of its engineers, Mr. Belanger, to report on the feasibility of a subway at this highway crossing. In his report, dated February 21, Mr. Belanger says that the highway lends itself to the construction of a subway, and he recommends that one be constructed. Mr. Belanger further points out that the crossing is a dangerous one, and that the traffic on both the highway and the railway is fairly heavy.

In a letter to the board from Mr. E. W. Beatty, the railway company's general counsel, dated the 18th December last, he says:

"A count of traffic over this crossing for 24 hours commencing 7 a.m., December 9, shows the following result: 81 vehicles, 20 pedestrians, 80 trains and 33 switch movements, and for 24 hours commencing 7 a.m., December 10, 115 vehicles, 14 pedestrians, 57 trains and 11 switch movements."

This highway is but a few feet away from the junction of the main line tracks of the London sub-division of the company and its Teeswater branch, and all movements from both lines in a southeasterly direction must pass over this highway. The last plan furnished the board by the railway company, shows four tracks over the said highway.

It seems to me, under these circumstances, that this is a place where the board should order a separation of grades. The subway should furnish the statutory head-

6 GEORGE V, A. 1916

way of 14 feet, with a clear span of 20 feet over the crown of the highway. The subway should be on a line with the highway, so that there will be a clear view through it from the highway at each end. The necessity for this subway is mostly due to the heavy traffic on the railway, as evidenced by the number of trains which, according to Mr. Beatty's letter, pass in 24 hours, and to the desire of the company to maintain four tracks across the highway.

Although the village of Streetsville is a separate municipality, it is not yet in a position to contribute much towards work of this kind. I am advised that the population of Streetsville is about 585; and its assessed value is only \$300,500; but it seems to me that the elimination of the danger of accident at this highway crossing will be a material benefit to the inhabitants of both Streetsville and the township.

Under all the above circumstances, I think that a fair division of the cost of this subway would be 20 per cent, not exceeding \$5,000, out of The Railway Grade Crossing Fund; and the remainder paid as follows:

Five per cent by the village of Streetsville, 15 per cent by the township of Toronto, 80 per cent by the railway company.

The surface of the road through the subway should be maintained by the municipal authorities responsible for the highways; all other cost of maintenance should be borne by the railway company. Detailed plans of the proposed structure should be submitted by the railway company for the approval of an engineer of the board, within thirty days; and the subway should be completed by the 1st September next.

The municipal authorities affected are doubtless aware that there is a provision in the Ontario Municipal Act which permits them to pay their share of any work ordered by the board by the issue of debentures for a long term of years, and that the issuance of such debentures need not be specially authorized by an Act of the legislature or by vote of the ratepayers of the municipality affected.

Commissioner Mills concurred.

COMPLAINT REGARDING RAILWAY SERVICE RENDERED BY THE QUEBEC ORIENTAL RAILWAY COMPANY BETWEEN MATAPEDIA AND GASPÉ, QUE.

Judgment, Mr. Commissioner McLean, April 15, 1914:

A number of complaints have been received concerning the train service between Matapedia and Gaspé. These complaints set out in very emphatic language that the service rendered is indifferent and extremely unsatisfactory. Complaints have been received not only as set out in the statements of individuals, but also in the form of resolutions from different municipalities. These complaints emphasize an unsatisfactory passenger service during the winter season; and it is stated that not only is the passenger service unsatisfactory, but that there is also a very inadequate method of handling the mails.

The matter was before the board during the winter of 1913, when the Atlantic, Quebec and Western Railway was in its first season of operation under the new management. It was found on investigation by the board's officers that the service was unsatisfactory on account of delays existing and directions were made which it was considered would improve the situation. Complaints were again filed this year in regard to the interruption of the service during the winter season. Those complaints were directed more especially against the service on the portion of the railway system known as the Quebec Oriental Railway. The investigations of the board's officers which have just been made show that a very unsatisfactory condition in regard to service exists.

The complaint is directed against the Quebec Oriental Railway Company. In strictness, there are two railways concerned—the Quebec Oriental, operating between Matapedia and New Carlisle, a distance of 100 miles, and the Atlantic, Quebec and Western Railway, operating between New Carlisle and Gaspé, a distance of 104



## SESSIONAL PAPER No. 20c

miles. These roads are controlled by the same interests and are under common management.

An analysis of the operation of these roads for the year ending June 30, 1913, shows that they are in a very unsatisfactory state financially. The Quebec Oriental has a share capital of \$500,000 of common stock in \$100 shares. Of this, \$117,000 are outstanding, the balance being in the treasury. On the amount outstanding, it is stated there was realized a sum equal to about 13 per cent of the par. It is not stated in the report to the Government whether the balance was issued for construction purposes or otherwise. No dividends were paid on this stock during the year. There are outstanding \$974,000 of 5 per cent first mortgage gold bonds, and a similar amount of 5 per cent second mortgage gold bonds. In addition, there are included under miscellaneous obligations, \$27,843 of obligations carrying interest at 5 per cent. The latter item is concerned with an obligation incurred for repairs and renewals on rolling stock. The total interest on the bonded debt of this railway was \$98,379.45. The bonded debt per mile is \$19,578, or an interest charge per mile of \$978.90.

The Atlantic, Quebec and Western Railway has a share capital of \$5,000,000 of common stock, in \$100 shares. Of this, \$2,000,000 are outstanding, the balance being in the treasury. It is stated in the Government report that \$500,000 was issued for cash, and the balance was issued for construction. There are \$2,548,675 of 5 per cent bonds outstanding. This represents a bonded indebtedness of \$21,389 per mile, on which the interest charge per mile is \$1,219. No dividend was paid on the stock during the year.

The Quebec Oriental shows in its sworn report to the Government, already referred to, an expenditure of \$26,631.43 for maintenance of way and structures. In addition, there was incurred for special repairs and betterments the following expenditures:—

(6) Bridges, trestles and culverts.. . . .	\$ 2,086 59
(7) New ties (42,568).. . . .	17,218 98
(11) Ballast.. . . .	2,296 87
(14) Fencing and right of way.. . . .	276 00
(18) Station buildings and fixtures.. . . .	886 80
	<hr/>
	\$22,765 24

The above expenditure was carried out by the manager on behalf of the Quebec Oriental Railway Company during the year ending June 30, 1913; and he was given to secure this a mortgage on the rolling stock and other property of the company. This arrangement was ratified by the London board.

An analysis of the operating expenditures of the two railways for the year in question gives the following result:—

	Maintenance of way and Structures.	Maintenance of Equipment.	Trans- portation Expenses.	General Expenses.
Quebec Oriental. . . .	\$24,631 43	\$12,768 61	\$51,368 59	\$ 5,602 28
Atl. Que. & Western..	29,876 56	7,015 42	39,656 96	13,882 07

Putting this in a summary way, the operating expenses of the Atlantic, Quebec and Western were \$904 per mile, while the gross earnings were \$401. In the case of the Quebec Oriental, the operating expenses were \$943 per mile, while the gross earnings were \$1,017.

6 GEORGE V, A. 1916

Putting the details as to income and expenditure in a condensed form, the following results are available for the two railways for the year in question, from the sworn returns to the Dominion Government:—

*Quebec Oriental Railway Company.*

Freight revenue.. . . .	\$ 52,571 66
Passenger train revenue—	
Passenger revenue.. . . .	\$43,752 63
Mail revenue.. . . .	3,560 40
Express revenue.. . . .	1,662 14
Other passenger train revenue.. . . .	102 25
	<hr/>
	49,077 42
Revenue from operations other than transportation—	
Storage—freight.. . . .	17 50
“    baggage.. . . .	21 00
	<hr/>
Total operating revenue.. . . .	\$101,687 58
Deduction from gross corporate income—	
Operating expense (ratio 92'8).. . . .	94,370 91
	<hr/>
Net operating revenue.. . . .	\$ 7,316 67
Other deductions—	
Other rents (as set out on p. 41).. . . .	5,969 90
Interest accrued on funded debt (as set out on p. 27).. . . .	98,379 45
	<hr/>
Total deductions from gross corporate income.. . . .	\$104,349 35
Net operating revenue.. . . .	7,316 67
	<hr/>
Net corporate loss.. . . .	\$ 97,032 68

*Atlantic, Quebec and Western Railway Company.*

Freight revenue.. . . .	\$ 17,859 82
Passenger service train revenue—	
Passenger revenue.. . . .	\$23,480 38
Excess baggage.. . . .	60 31
Express revenue.. . . .	468 80
	<hr/>
	24,009 49
Revenue from operations other than transportation—	
Storage—freight.. . . .	37 66
	<hr/>
Total operating revenue.. . . .	\$ 41,906 97
Deductions from gross corporate income—	
Operating expenses (ratio 215'78).. . . .	90,431 01
	<hr/>
Net operating deficit.. . . .	\$ 48,524 04
Other deductions—	
Other rents (as set out on p. 41).. . . .	\$ 1,244 46
Interest accrued on funded debt (no item shown).. . . .	
	<hr/>
Net corporate loss.. . . .	\$ 49,768 50
While no deduction for interest is made on p. 41 of the report, it appears from p. 27 that there was paid on funded debt during the year.. . . .	127,433 75
Adding this to the loss already set out, there is a net corporate loss of.. . . .	177,202 25

The unsatisfactory financial position disclosed by what has been above set out is further emphasized by the correspondence with the board has received in connection with this complaint and other complaints connected with the railways in question. For example, during the month of January, 1913, the gross receipts of the Atlantic, Quebec & Western were \$3,449.65, while the expenses of the same road during the same period were \$8,744.90. When the month of February of the same year is added, the result is that the gross receipts for freight and passengers were \$5,354, while the expenditures were \$19,042.

The Board has had a number of complaints regarding the condition of the right of way, the fences, gates, and crossings along the Quebec Oriental Railway. The

## SESSIONAL PAPER No. 20c

matter had been gone into by the Board's engineers, and instructions have been given as to the improvements to be made. The directions given required the improvements to be made by the end of December, 1913; but the Board, on subsequent representation, being fully satisfied that the financial condition of the world's money market rendered it extremely difficult to raise money, decided that it was only reasonable that an extension should be given to the end of December, 1914. As illustrating the financial side of the matter, reference may be made to various letters on file. The board had, in the first instance, not issued a formal order in regard to the improvements to be made in the road-bed, considering that a formal order would not be necessary. It was, however, asked by the president of the Quebec Oriental Railway Company to issue a formal order. In a letter dated June 23, 1913, from the London office, in which this request was contained, the president used the following language:

"The commissioners are aware of the great difficulty at the present time in raising money on any security whatever, and it may be advisable, as suggested by you, a more formal order should be made on the company, so as to place it beyond argument that the works come within the definition in the Railway Act of 'Working expenses', which as you are aware rank in priority to all outstanding mortgages, bonds, or other securities."

The letter continued—

"We are very anxious to make arrangements to raise the necessary capital to enable us to repair the line."

The Board has on its files an undertaking from the general manager of the company that the work directed in connection with the road-bed which has already been referred to, would be commenced the first thing in the spring of 1914.

While the railway should give as good a service as possible to those using its line, it may as well be frankly recognized that in view of the extremely unsatisfactory shape the railways concerned are in from the standpoint of earnings, it would be worse than useless to issue additional orders looking to increased expenditures. The Board cannot by the issuance of an order create satisfactory credit conditions for a road whose finances are in unsatisfactory shape. The basis of a road's credit is to be found in the satisfactory condition of its earnings. Those resident along the line of the railways find the service unsatisfactory. There is no question that their grievances are in many cases well-founded; but, under the circumstances disclosed, it would not only be unreasonable but useless for the Board to make any order calling for the raising of any considerable amount of capital to be expended upon improving the service. Various directions have been given regarding the improvement of the road, and constant supervision will be exercised by the Board to see that the promises made by the railway will be implemented by action.

The Board is fully seized of the grievances complained of and impressed with their seriousness. There is no necessity of having a hearing which would simply mean a cumulation of examples of the grievances already before the Board. What is needed is not more evidence as to grievances, but a remedy for them. It may as well be frankly recognized that an order of the board cannot create capital. Whether capital can be obtained depends upon the resources of the applicant. All that can be done in the present case, in addition to what has already been directed, is to deal with the improvement of the method on which the service is being conducted. The situation is just this: there are two roads which are not making expenses, and all that can be obtained is to do the best possible with the service at present rendered. The alternative is less service.

The investigation of the conditions existing in connection with the train service during the past winter shows that the railway has had very severe climatic conditions to grapple with. There are available for use on the two lines five snow ploughs. Of these, three are wedge ploughs, one is a wing plough, while the other is a Russell wing



plough. This is a new plough and represents the very latest type of wing plough. It appears, however, from the nature of the country between Newport and Gaspé, and the heavy snow to be encountered, nothing short of a rotary snow plough would be sufficient to handle the heavy snow that has visited this section during the past year. A rotary would cost about five times as much as a wing plough, while its operation would be about twice as expensive as that of a wing plough. One difficulty in the way of service has been that the railway has not got its trains into service sufficiently quickly after the road has been cleared. There have been cases where the line was blocked by derailments, bad weather conditions, etc., between New Carlisle and Matapédia, and where the company failed to run the service between New Carlisle and Gaspé, although there was nothing in this section to interfere with traffic. On the other hand, when the line has been blocked and otherwise disabled between New Carlisle and Gaspé, the service has been continued between New Carlisle and Matapédia. The people west of New Carlisle complain of the interrupted mail service.

It appears that one difficulty with the operation of trains has been a laxity of discipline on the part of the employees. There has been delay in connection with the starting and moving of trains on time, and there has also been a lack of attention in regard to notifying people of the trains being delayed. Instructions have been issued by the railway to see that the requirements of the Railway Act in this respect are thoroughly lived up to.

The question of locomotive power is one which has attracted much attention. The Quebec Oriental has been using an engine which was borrowed from the Intercolonial. The railway has just purchased a locomotive from St. Louis, and this will be on the line at work very shortly. There are at present two locomotives in the shops being repaired; one of these will be out about the 1st of May, and the other, it is expected, will be out about the middle of May. There are two other engines in the shops at present. With the new engine, there will be nine engines available for service on both railways. This will be sufficient to move the traffic.

About 30,000 ties have been purchased for renewals during the present year, and the manager of the road is waiting for a further supply of money from England to carry on repairs on the line.

What can be done at present is concerned entirely with an improvement in the service. What is desired by the people is regular operation of the trains. They have shown a very reasonable attitude in this respect. The mayor of Gaspé states that the people in his locality are willing, if the railway finds it impossible to run a daily train and keep it going satisfactorily, to accept a tri-weekly service, so long as this service runs regularly on time so that they can depend on it, not only as regards mail and express, but passenger and freight as well.

Part of the dilatoriness in connection with the train service appears to be a lack of discipline among the employees. The trains have been run by them in an easy-going way. The railway should, therefore, take steps to so stiffen up the discipline and improve the operation of the trains that the passenger service be carried on regularly, making connections as outlined in the timetables, so long as the line is not interrupted by storms or other obstructions. Where there is interruption by storms or other obstructions, the railway not so affected should run its service regularly on time, carrying mail and all traffic to the end of its own line; that is to say, if the service on the Quebec Oriental is interfered with, the service on the Atlantic, Quebec and Western should be carried on, notwithstanding this interference. The same to apply if the interference is on the Atlantic, Quebec and Western Railway. Full notice in regard to train delays should be posted and given to the public.

A reasonable time will be allowed by the Board for improvements in the reports outlined, and thereafter a further inspection will be made.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott, and Commissioner Goodeve, concurred.

## SESSIONAL PAPER No. 20c

APPLICATION OF THE C.L.O. & W. RAILWAY CO., FOR AUTHORITY TO TAKE CERTAIN LANDS, BEING PARTS OF LOTS 185, 184, AND 178, IN THE TOWN OF BOWMANVILLE, ONTARIO, FOR THE PURPOSE OF CONSTRUCTING A FREIGHT YARD AND APPROACHES THERETO TO SECURE THE CONVENIENT ACCOMMODATION OF THE TRAFFIC UPON ITS RAILWAY AT THE TOWN OF BOWMANVILLE, ONT.

Judgment, Mr. Commissioner Goodeve, April 16, 1914:

This application was heard on March 9, 1914, before the Assistant Chief Commissioner, Commissioner McLean and myself, after a thorough examination of the situation on the ground accompanied by the mayor, and some members of the council, together with Mr. McLean who appeared as legal counsel on behalf of the city, school board, board of trade, and St. Paul's Presbyterian church, and certain citizens whose lands were not to be taken, but who claimed they would be injuriously affected; also representatives of the railway company.

There are on file three petitions: One in favour of the application as applied for by the railway company, stating that in the opinion of the signers it is the best available location for the purposes of the said freight yards, and will give the best facilities for the business and shipping community of the town of Bowmanville, and that it will cause less injury to private rights than any other location which could be obtained. This petition is largely signed by the owners of manufacturing industries and the business men generally. There is a second petition opposing the application on the ground that it would injure one of the best residential sections of the town. This petition is signed by property holders interested. And there is a third petition also opposing the application upon the ground that it would injure the property and interfere with the services of St. Paul's Presbyterian Church. This petition is signed by members and adherents of the said church.

At the hearing two other plans were suggested by those who were opposed to the application of the C.L.O. & W. Railway Co., both of which were north of the main line, one, marked "A" in red on the plan, being taken off at a point where the main line crosses Concession street and running northwesterly. In connection with this plan two options were filed with the board covering properties that it would be necessary to acquire, one for \$5,500 and the other for \$5,000 and an option for the balance of the property that would be required at a price of \$900 per acre. The second plan, marked "B" in red on the map, being taken off at the same point as that proposed in the application of the railway company, only on the north side of the main line and running northeasterly. In this latter it was stated it would not be necessary to secure the two houses above referred to, so that all the necessary property could be obtained at a price of \$900 per acre.

The railway company, through Mr. Leonard and its counsel, Mr. MacMurehy, oppose both these plans as being unsuitable for the purposes of the company, claiming that they could not get a suitable grade; that, in the case of the plan marked "B," it would involve an additional interlocking plant in connection with the Toronto and Eastern Railway Co., with added cost and inconvenience in operation. That the distance from the centre of the shipping district for the round trip would be one-half mile greater than at the proposed location, and would involve the crossing of the main line at the interlocker at the junction of Scugog and Wellington streets in the cartage of all freight to and from the freight sheds; that the company had spent in the neighbourhood of from \$250,000 to \$300,000 to acquire a good location in order that it might serve the public satisfactorily in handling traffic to and from the railway, and that a large portion of the value of this would be destroyed if they were compelled to go so far from the business centre.

With regard to the petition on behalf of St. Paul's Presbyterian Church, it was pointed out that under the Lord's Day Observance Act no freight trains would be allowed to be made up on Sunday, and that switching was not likely to take place

during the time at which services were being held. Mr. MacMurchy, on behalf of the C.L.O. & W. at page 640, vol. 196, states as follows:—

“This is a local freight yard. There is no work done here on Sundays . . . It will not be necessary in Mr. Leonard's judgment to have a shunt more than twice a day, probably one shunt in the morning and one shunt at night.”

This latter of course refers to week days. Again at page 641 Mr. MacMurchy points out that in Toronto St. Andrew's Church is 66 feet away from the local freight yard in that city, while this property will be 160 feet away; and, referring to the objection that it would disturb the pupils of the High School, as above pointed out, under ordinary conditions they would never hear the shunting, as it would be done twice daily, in the morning and the evening.

With reference to the third petition, signed by those property owners, no portion of whose property would be taken by the railway company, but who claim their property would be depreciated by the locating of the freight sheds at the point applied for. The board has weighed carefully all the representations made on their behalf. The property of most of these complainants is situated on the east side of Wellington street. It is to be noted that the municipality by by-law granted the use of Wellington street to the Toronto and Eastern Railway Company for railway purposes, and that the tracks on this street will be made use of for the moving of freight cars to and from the business centre. It is true that the moving of freight cars by electric power is not as objectionable as by steam, as there would be no smoke and less noise. It was also represented to the board by some witnesses that at the time the by-law was passed the citizens were not aware that these tracks would be used for freight purposes. However that may be, this district is now established as a railroad centre.

To allow the Toronto and Eastern Railway Company to enter the centre of the shipping district by means of this street, while compelling the C.L.O. & W. to establish its freight yards on the outer limits of the city, would be giving to the former and rival company a decided advantage, and which, as pointed out by Mr. Leonard, would to that extent destroy the value of the large expenditure made by his company in order to secure a central location.

We have on file, submitted by the city, a statement showing the amount of traffic crossing the diamond of the C.L.O. & W. and the Toronto & Eastern Railway Company's tracks on Scugog and Wellington streets, and it would undoubtedly be an added source of danger to compel all the teaming of freight to cross the railway tracks twice at this point. Further, I think the bona fide of the C.L.O. & W. Railway Co., is clearly shown by its willingness to expend a very much larger sum to acquire this location than would be necessary to acquire either of the alternative locations.

The board's chief engineer, under date of March 13, 1914, after a careful survey of the whole situation, in a report submitted to the Board, reached the following conclusion:

“In my opinion the layout as proposed by the railway company is in the best interests of the town as a whole, and of the railway company.”

Undoubtedly, for residential purposes, some of the residences on the east side of Wellington street will be depreciated, and the board regrets that under the Railway Act it has no power to grant compensation under the conditions as here exist. Further, it may be pointed out that it almost invariably happens in the entering of a railway into any growing municipality, individuals suffer loss or damage. Recognizing this the law has made provision to cover it as far as possible, but it cannot be done in all cases; therefore following the usual practice the right of the individual must give way to the general advantage of the public as a whole.

Therefore, in view of the report of the chief engineer of the board, and after a careful consideration of all the circumstances, I am of the opinion that the application



## SESSIONAL PAPER No. 20c

of the railway company should be granted, upon the conditions that no unnecessary whistling, ringing of bells, or letting off of steam, that no shunting during the hours of service in St. Paul's Presbyterian church be allowed within the yard, that no live stock be loaded from this yard, and that the yard shall be neatly fenced and fence painted.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.  
Ordered accordingly.

COMPLAINT OF THE MILTON PRESSED BRICK COMPANY, LIMITED, OF MILTON, ONTARIO, AGAINST THE ACTION OF THE CANADIAN PACIFIC RAILWAY COMPANY IN HOLDING UP THE CONSTRUCTION WORK ON THEIR DOUBLE TRACKING BETWEEN TORONTO AND GUELPH JUNCTION, ONTARIO.

Oral judgment delivered by Chief Commissioner Drayton at the close of the hearing, April 24, 1914:

The trouble in this case seems to have arisen from a misunderstanding or may be spoken of as the result of leaving important matters absolutely at loose ends.

So far as the facts are concerned, I find that Mr. McCannell believed that the railway right-of-way would be thrown to the north a distance of at least thirty feet; and that, on the strength of what he believed to be the understanding—his belief being grounded on a certain plan which the company submitted and on work which went on for some two or three days—he spent \$34,000 in improving his property at that point.—an expenditure which he would not have made had he known that the company would not have given him the thirty feet mentioned by Mr. Lumsden.

It must be borne in mind, however, that the rights of the complainant are individual rights; they are spoken of, not only in the written application, but in the evidence given before the Board, as a matter of individual rights, involving questions which arise under contract, or are based on estoppel; and nothing involving public interest under the Railway Act, such as would justify an order of the board, appears to have been said or done. Hence the board has no jurisdiction to act either on the ground of contract or estoppel. If it can be shown that a contract was really or virtually made or if the statements and conduct of the company are such as to warrant an action for damages—and on this I express no opinion—it is a matter for the appropriate court to deal with. It is undoubtedly in the interest of one of the industries located on the line of the Canadian Pacific Railway, that the main line of that company should be moved north at that point; but, under no possible circumstances, as it seems to me, would the Board, apart from some public necessity, be justified in interfering with the through tracks and the rights of property of the railway company.

For these reasons, the application must be dismissed.

PROTECTION AT 18TH STREET, LACHINE, QUE.

Judgment, Mr. Commissioner McLean, January 2, 1914:

In the answer of the Grand Trunk on file, under date of June 7, 1913, it is submitted that 18th avenue (or 18th street) is not a legally constituted street crossing right of way and lands and tracks of the railway company, and that no order has been issued by the Board converting said crossing into a regular public crossing. The city in its reply dated July 2, 1913, refers to deed of sale by W. McDonald to the Montreal and Lachine Railroad Company, said deed of sale being executed on the 7th of March, 1848. This deed of sale is concerned with the sale of certain lands by the vendor to the Montreal and Lachine Railroad Company, the predecessor in title of the Grand Trunk Railway, in which it was agreed between the vendor and the buyer that Market street should be carried across the railway as a public street, as set out on the plan referred to in the deed of sale. It is represented by the city of Lachine

that Market street is now 18th avenue. This contention of the city as to the seniority of Market street was not controverted in evidence by the Grand Trunk. The city also refers to the Board's Order No. 9616 of February 7, 1910, which provided for the installation of an electric bell at the crossing in question, as a further evidence of the legality of the crossing.

It would appear that the creation of the street crossing in question was at least contemporaneous with the acquisition of the land for the right of way of the Montreal and Lachine Railway, and I am of the opinion that the rights of the city are at least equal to those of the railway.

It is admitted in a communication of Mr. Bowker, general superintendent, that gates are necessary at this crossing, and the reports of the Board's inspector in regard to the traffic and use of this crossing substantiate this position.

The only question then is as to the distribution of cost. The city submits that the same rule should be applied in the distribution of cost as in the case of Order 9616 already referred to. In the Order in question, the cost of the electric bell less 20 per cent of the cost of installation from the Grade Crossing Fund was placed upon the railway. In support of this contention, the city claims that the crossing is rendered more dangerous by the fact that the railway is running some of its trains "at that spot at a much higher speed than the ordinary rate of speed prescribed by the Railway Act." The Board in directing railways to install electric bells has, since The Railway Grade Crossing Fund has been available, followed the practice of putting the whole of the cost, less the 20 per cent contribution from the Fund, on the railway. The practice in regard to electric bells has no necessary bearing upon what is proper in connection with the question of installation of gates.

This is a case in which a contribution from the Grade Crossing Fund would be proper. It is, however, a question as to whether the board has not by directing a contribution to the cost of installation of an electric bell exhausted its powers under the Railway Act. The matter is at present before the Department of Justice for a ruling. If the Department of Justice rules that it is within the power of the Board, under the Railway Act, to make a contribution to the cost of gates, then I am of opinion that the cost of installation should be divided as follows: 20 per cent out of the Grade Crossing Fund, 55 per cent by the railway and 25 per cent by the city; the cost of maintenance and operation to be divided 70 per cent on the railway, and 30 per cent on the municipality.

In the event of its being ruled that the Board has exhausted its powers to aid this crossing, then the cost of installation should be divided 65 per cent upon the railway and 35 per cent on the municipality.

It is not feasible to have the work of installation of gates now gone on with. As soon as the ruling from the Department of Justice is received, Order may issue; the Order to set out in its terms the time within which the plans are to be furnished and the work completed.

Judgment, Mr. Commissioner McLean, April 28, 1914:

The Department of Justice now having ruled that—"notwithstanding that a grant has already been made out of The Railway Grade Crossing Fund for the protection of the crossing of 18th street, Lachine, it is open to the Board to make a further allowance, the previous grant having been made more than a year ago, and the total grant including that now proposed to be made not exceeding the sum of \$5,000," order for gates, with the distribution of cost as between the Fund, the railway and the municipality on the terms already indicated, should go.

Chief Commissioner Drayton concurred.

Order, in accordance with judgment, issued.

## SESSIONAL PAPER No. 20c

APPLICATION OF THE TOWNSHIP OF HUMBERSTONE FOR AN ORDER, UNDER SECTION 250 OF THE RAILWAY ACT, DIRECTING THE GRAND TRUNK RAILWAY COMPANY TO PROVIDE AND CONSTRUCT SUITABLE CULVERTS UNDER ITS LINE OF RAILWAY KNOWN AS THE BUFFALO AND GODERICH DIVISION OF THE GRAND TRUNK, ON LOTS 22 AND 23, FIRST CONCESSION, TOWNSHIP OF HUMBERSTONE.

Judgment, Chief Commissioner Drayton, April 29, 1914:

The material in support of the application declared that the culverts were necessary for the purpose of properly draining farm lands lying on the north of the railway track, and for carrying the water from drains that were being constructed by the township under the provisions of the Municipal Drainage Act.

The application was opposed by the railway company and the issue set down for hearing at Toronto on November 6, 1912.

It was shown at the hearing that the township had properly passed a by-law, under the Appropriation Act, providing for its drainage works; and that, as part of the cost of the undertaking, was included \$1,600 for the purpose of building the culverts under the railway. The by-law also includes the assessment to be made for the improvements to the drain. Under this assessment, the special rate to be paid by the Grand Trunk is shown to amount to some \$86.46, payable in ten annual installments.

Apparently a proper notice of a court of revision to be held for the purpose of considering complaints and appeals against the scheme of assessment was given, and the by-law was finally passed on July 31, 1911.

The acts of the municipality were all *intra vires*, and the assessment has become binding.

Under these circumstances, the only matter open to the board was to pass upon the character of the work on the railway property having regard to its sufficiency for railway operation and the safety of the travelling public.

It, however, developed at the hearing that the railway, which had been built some fifty years ago, at the point in question had provided wooden culverts—two at this point each being six feet square on the inside, and that the openings had been filled and thirty inch pipes substituted.

The claim advanced by the municipality was disputed by the railway company; and the matter was referred to the board's chief engineer with instructions to arrive at the exact facts after making a personal inspection on the ground. His report sustains the claim advanced by the municipality, the change having been made by the company so as to make permanent what was originally only a wooden structure. The change nevertheless lessened the waterway and interfered with natural drainage across the railway. The engineer, however, reports that the old wooden box culverts as constructed and located, would not serve the present scheme of drainage proposed by the township engineer. The new culverts, therefore, in any instance would be necessary.

The construction was approved at the former sitting, and before the engineer's report was received, the question of cost being reserved. The work has been completed at a cost of \$2,191.09. This cost the engineer reports is fair and reasonable. The work has been done by the railway company. Ordinarily the board does not interfere at all with an assessment made under an appropriate local Act. My own view is that it has no jurisdiction to do so. There are, however, some special circumstances in this case. The railway company without any apparent right did interfere with surface drainage, and on the complaint of the municipality would have been directed to restore the former culverts at a cost, as the engineer reports, of some \$250 each.

The board's engineer reports on this basis that a balance should be paid by the municipality of \$1,691.09, in view of the unauthorized act of the company in diminishing surface drainage, and in view of the very reasonable assessment that has been made against it for the cost of the work. In my view, this amount should be further



6 GEORGE V, A. 1916

reduced to the sum of \$1,600, which is the original estimate and on which the plan of assessment has been based.

Concurred in by Assistant Chief Commissioner Scott.

Reported in 17 Can. Ry. Cas. 316.

APPLICATION MADE BY THE ESSEX TERMINAL RAILWAY COMPANY OBJECTING TO THE REMOVAL OF THAT COMPANY AS A PARTICIPATING CARRIER IN TARIFFS AND SUPPLEMENTS APPLICABLE TO INTERNATIONAL TRAFFIC.

Judgment, Chief Commissioner Drayton, May 4, 1914:

The application is made as the result of notices the applicant company has received in the form of amendments to schedules of the Michigan Central, Grand Trunk, Wabash, and Pere Marquette companies making the Essex Terminal party to the application of Windsor rates to and from points on its line, these amendments withdrawing the Essex Terminal as a concurring party to those schedules in so far as they apply to joint traffic to and from the United States.

Following the usual practice of the Board, such tariffs and supplements were suspended pending a hearing. The hearing subsequently took place at Ottawa on April 21st, 1914.

At the hearing the line companies' action was justified by them as a result of the order of the Interstate Commerce Commission in the Industrial Railways Case No. 4181.

The applicant company showed that its status had not been passed upon either directly or indirectly before the Interstate Commerce Commission. This was admitted by the railway companies issuing the suspended tariffs. The position of such companies may be shown by reference to the statement of Mr. Martin (who appeared for the Grand Trunk Railway Company), as follows:

"Mr. Chairman, I may just state that the Essex Terminal Railway was classed, after this opinion was given out by the Interstate Commerce Commission, as one of the roads partially owned or controlled by the industries which it served; that, of course, possibly has not been determined as a fact yet, but action was taken in order to be on the safe side, to be in line with the request of the various roads with whom the Canadian roads interchange traffic in the States. The action was taken in connection with the Grand Trunk in only four tariffs, I think, which have international application; no action was taken whatever on Canadian traffic. Our tariffs on Canadian traffic apply to-day to the Essex Terminal just the same as they did previously to the opinion expressed by the Interstate Commerce Commission.

"We are in this position, whatever our view may be, or whatever the decision finally may be in connection with the Essex Terminal Railway, that our connections in the States, with whom we have concurrent tariffs and through rates, requested us to take this action.

"This is merely a statement of the facts, Mr. Chairman, and we are not seeking at this time to determine the ownership or interests of the Essex Terminal Railway; but that feature was brought out and the action was taken so that there would be no conflict with the opinion expressed by the Interstate Commerce Commission at the time."

It should be noted that following the suspension of the tariffs in question by the Board, a like suspension was made by the Interstate Commerce Commission, with the result that the former tariffs at the present apply in their entirety.

The order of the Interstate Commerce Commission on which the railway companies are opposing the application of the Terminal Company and seeking to justify their action, was made January 20th, 1914; the report of the Commission dealing with the question being found at page 212 current volume of the Commission's reports.

## SESSIONAL PAPER No. 20c

the whole question being dealt with in an exhaustive judgment delivered by Mr. Commissioner Harlan.

The issue presented for determination by the commission was the legality of the allowances paid by public carriers, east of the Mississippi river, to industries on their rails that own and operate plant railways in connection with their industrial establishments. The judgment, with much clearness, establishes on the one hand the fact that, under the guise of a transportation service, these plant railways in effect have been performing a work which should legitimately be borne as part of the expense and operation of the plant facility—a work legitimately a manufacturing expense—purely a shipper's service, and not a transportation service the cost of which fairly can be included in the railway rate.

It is also clearly shown out that these services, which consisted (*inter alia*) in moving material from one point to another point in the same industrial plant, spotting and sorting cars all in the interest of the plant and not in ease of the transportation movement, result, on the one hand, in great expense to the line carrier, and, on the other hand, to a great advantage to the industrial plant; that such benefits were not conceded by the regular railways on any question of principle, but differed in degree in the case of the different industries which were fortunate enough to obtain them; so that in some instances the whole yard or industrial cost was absorbed by the railway rate, while in some instances only part; that in some instances all the work was performed by the railway company, while in other instances the work being done as it properly should be done by the manufacturing plant through its own railway was nevertheless paid for by allowances made by the line carrier either in whole or in part.

Apart altogether from any question of railway revenues, this of itself constituted a direct discrimination as between shippers, the large mass of whom have not industrial railways of their own of the character described in the opinion of the learned commissioner.

Specified industrial railways are considered in the judgment, and all of those considered were found to be railways constructed simply and purely for the purpose of the industry owning or controlling them, and not for the purpose of performing a transportation service as a public carrier.

The declaration of principle laid down by the Interstate Commerce Commission appears to me to be just and sound. The fact of any railway of the character described obtaining any portion of a through rate simply means that the industry obtains upon all its shipments carried under the rate a rebate to the amount that the industrial line participates. The practice is illegal and discriminatory. It remains, therefore, to determine whether or not the Applicant Railway Company falls within the class of railway companies dealt with in the Order of the Interstate Commerce Commission.

As a matter of practice, the board in the past has dealt with international joint tariffs having regard to the outward movement only, and, speaking generally, has not interfered in any way with any tariff properly filed under American practice applying to the joint movement into Canada. The result is that a situation which otherwise might have presented difficulties has worked out along satisfactory lines and without friction.

While the board's jurisdiction to and from the International boundary is in my opinion absolute, the different industrial railways referred to in the judgment of the Interstate Commerce Commission are all situate in the United States. The originating carrier of traffic out of Canada so far as the Canadian movement is concerned is subject only to this board's jurisdiction; but I am of the opinion that we should implement the judgment of the Interstate Commerce Commission, and if any existing through tariffs out of Canada include industrial railways situate in the United States covered by the Order of the Interstate Commerce Commission, such tariffs will be suspended. The duty, however, of dealing with the Essex Terminal Railway devolves on this board. The authorized line commences and stops in Canada and the incorporation is Canadian. I am of the opinion that the question of incorporation is not a matter of

much importance. The jurisdiction of the character exercised by either the Interstate Commerce Commission or this board practically turns very little on any question except that of jurisdiction over the subject matter. The jurisdiction is *in rem* and not *in personam*. To illustrate: the Canadian Pacific Railway Company is a Canadian incorporation. It carries on business, however not only in Canada but in the United States. With an admitted jurisdiction over the company as such, in my opinion this board should not interfere with the practices and railway requirements which apply on any line either owned or operated by the Canadian Pacific in the United States. This country can give no right to the Canadian Pacific or any other line to build one foot of track in American territory. The only practicable and proper way of dealing with the matter is for this Commission not to interfere in a field which is entirely within the jurisdiction of either a State Commission or within the jurisdiction of the Interstate Commerce Commission itself. Under a parity of reasoning the jurisdiction of the Interstate Commerce Commission is of necessity similarly prescribed. The Michigan Central, for example, in its operations in Canada is subject not to American but to Canadian law. Its property is held and its operations controlled under Canadian statutes. The jurisdiction of both commissions stops at the International boundary.

Reference may be had to the board's judgment in *Continental, Prairie and Winnipeg Oil Companies v. Canadian Pacific Railway Co. et al.* 13 C.R.C. 156, and in particular to page 161.

It appears that the Essex Terminal Railway Company was incorporated by Chapter 62—A Dominion Act, 2 Edward VII.

The company was authorized to construct and operate a railway from a point at or near Walkerville through the townships of Sandwich East and Sandwich West in the county of Essex, to a point in or near the town of Sandwich, and through that town and the townships of Sandwich and Anderdon to a point in or near the town of Amherstburg. The company has constructed its line from a point west of the town of Sandwich; then to the south of the town and in an easterly direction through the township into the city of Windsor. It then runs in a southerly direction south of the city limit, and then turns again north running through the town of Walkerville and past the site of the Ford Motor Company's works.

The company also has physical connection with the Grand Trunk railway, Wabash railroad, Pere Marquette railroad, the Canadian Pacific railway, the Michigan Central railroad, and the Detroit River Tunnel Company. A large number of industries are situated on its tracks, a large proportion of which are not situate on any other line of railway, but obtain their car deliveries over the tracks of the applicant company.

The company claims that it is not at all comparable with industrial railways and is not in fact an industrial railway.

On the evidence, I find that some twenty-six factories have been directly served by the applicant company, and that, in addition to the service directly given these factories, the applicant company has spotted cars on team tracks in Walkerville, Windsor, Sandwich, and Ford, and also done a considerable amount of local switching for shippers generally.

The evidence shows the road which operates approximately 10 miles of track, with power of increase, to have cost \$100,000.00, which has been supplied by the shareholders, no municipal subsidy or bonus of any kind having been received by the railway company.

The total earnings of the Company last year amounted to \$51,333.66. The working expenses were stated to amount to about 60 per cent, which appears a reasonable allowance; so that the company's operations at the present time are netting roughly 5 per cent on the invested capital, certainly not an excessive return.

It was, however, claimed that the applicant railway as a matter of fact is owned and controlled by the Canadian Bridge Company; that the Canadian Bridge Company



## SESSIONAL PAPER No. 20c

is a subsidiary of the American Bridge Company, and that that company in turn is part of the United States Steel Corporation. The evidence on this point is not conclusive, nor, indeed, can it be said that there is any real evidence on that issue. The road was incorporated in the ordinary way necessarily through the medium of individual shareholders and directors. These shareholders are stated to be residents of Canada, with the exception of Mr. F. C. McMath, who resides in New York. The local shareholders are for the most part, at any rate, connected in some way or another with the Canadian Bridge Company. As stated, the evidence on this question is not at all satisfactory, but, in my view it is unnecessary that the inquiry should be pursued. There is no reason why one course of treatment should be accorded to one company and denied to another simply because that company in turn may be owned or controlled by others. The matter of ownership is not one in which this board is concerned; the whole question is as to the character of the railway company itself, the service performed by it, and whether that service is a service of such a character as justifies the inclusion of a charge for it in a through rate; or whether, on the other hand, that service, on the case here made out, is in chief a service maintained for the purpose of obtaining special advantage for the Canadian Bridge Company over other shippers, and that services offered to other carriers are, on the one hand, merely a cloak for the original design or, on the hand, negligible in importance and merely accidental and the result of carrying out the main project.

This company has as stated, some ten miles of tracks. It is performing a service of transportation. It is catering for public business. It has, for example, laid, at the request of the city of Windsor, a special industrial spur for the purpose of opening up the industrial district of the city of Windsor, and on which spur several industrial plants have already been constructed.

The application is supported by counsel who appear for industries served by the company.

A petition was presented by counsel signed by ten manufacturing companies setting out the fact that such companies would not have located on the industrial site I have referred to had it not been for the service supplied by the Applicant Company, and the fact that deliveries by that Company to their plants were included in the through rate. Industries signing this petition are industries served by the special industrial spur above referred to. Their plants represent an investment of \$960,000.

It might also be noted that it is not even suggested that these companies have any sinister connection with the Canadian Bridge Company.

Counsel also filed another petition presented on behalf of other manufacturers in the locality who were not located on the industrial spur, but were interested, and, as claimed, vitally interested in the service supplied their plants by the Essex Terminal Company. It was stated that the investment in the different plants interested amounted to \$2,540,000.

A large part of the Terminal Company's business consists of work done for the Canadian Bridge Company. Out of a total revenue of \$51,333, \$20,839 was received from that company.

Although this proportion is large, it is however, less than 41 per cent of the whole, and may be contrasted with the proportional public and private business of the class of railways considered by Mr. Commissioner Harlan, who, at page 227 of his judgment, states:

"The road that has most nearly the appearance of a terminal road claims only 3 per cent of outside traffic. Moreover the record shows that, generally speaking outside business is not solicited, but, on the contrary, is disregarded. In the great majority of instances there is no real outside traffic. Where any such traffic exists, it is almost negligible except in three or four cases."

The Company does not receive a flat switching or interchange rate; its charges being proportions of the through rates, varying according to the classification of the different commodities delivered to the different plants served by it.

No complaint has been made to the Board as to the fairness either of the different through rates, or as to the proportion the Essex Terminal Company enjoys. It might, however, be noted that on the business handled during the year ending January 31, 1914, for the Canadian Bridge Company, which as before stated, is alleged to own and control the railway company, the railway received a rate of 25.38 cents for each ton handled. During the same period the company carried over its tracks 16,163 tons for the Canadian Salt Company, with a return of \$3,309.17, or a rate of 20.55 cents per ton; for E. Breault, a coal dealer, 2,410 tons, with a return of \$485.50, or a rate of 20.15 cents per ton; for C. A. Chilver, Builders' Supplies, 274 tons, with a return of \$29.44, or a rate of 10.74 cents per ton; for the Canada Sirocco Company, 1,156 tons, with a return of \$403.24, or a rate of 34.68 cents per ton; for Leggett and Platt, 143 tons, with a return of \$38.06, or a rate of 26.62 cents per ton; and for the Trust Concrete Steel Company, 21,593 tons, with a return of \$6,878.87, or a rate of 31.85 cents per ton.

While the proportions of the rates are all on an arbitrary basis under the "official" classification, the company has a minimum charge of \$3.50 a car, and desires to obtain out of the through rates 2 cents on the first four classes, and a cent and a half on fifth and sixth; also one cent of commodity rates lower than the sixth class.

These rates, as such, have not been called in question. The evidence, however, shows that the Canadian Bridge Company is charged in the same manner as other shippers, and the returns show that the company would not seem to enjoy any special rate or privilege. The evidence on the other hand shows that the Canadian Bridge Company has a plant railway of its own, situate in its own grounds, and that less service is performed for the Canadian Bridge Company by the Essex Terminal than that company performs for other industries located on its lines, that it merely places loaded cars or empties for the Bridge Company on a designated track, that company taking the cars and placing them in its industrial plant as desired, without getting any rebate whatever. The evidence on that point is as follows:—

"The CHIEF COMMISSIONER: Are they charged in the same way as the others?"

"Mr. WOOLLATT: Yes, sir; but they take cars and place them in their industry without getting one cent for their service.

"The CHIEF COMMISSIONER: So you just run out to the interchange track and deliver their cars on the interchange track owned by the local industry?"

"Mr. WOOLLATT: Owned by the Essex Terminal.

"The CHIEF COMMISSIONER: But the local industry comes and takes them away and spots them for themselves?"

"Mr. WOOLLATT: Yes.

"The CHIEF COMMISSIONER: They receive no remuneration for that?"

"Mr. WOOLLATT: No. For other industries we take empties and place loads after they are so loaded.

The CHIEF COMMISSIONER: So the fact is you afford a lesser service for the company with which you are supposed to be in connection than you do for the general public, and allow them no rebate for it?

Mr. WOOLLATT: Yes. The various traffic gentlemen with whom I discussed this matter, after looking at the question as they have done, see no reason why we should be included in the list of railways or industries discriminated against

## SESSIONAL PAPER No. 20c

if these rates are cancelled. Sandwich also, sir, is a point which is not reached by any other railway. That will apply also to Ojibway, when we reach that point. Our charges to Amherstburg, if we go on to that point, remain to be seen."

I am of the opinion that there can be no question but that the line carriers have failed in their attempt to bring this railway within the terms of the Interstate Commerce Commission Judgment in the Industrial Railways Case, and to satisfy this commission that it should extend to that railway the inhibitions directed by the judgment as against the railway companies there considered. It would, on the contrary, appear that the action of the line carriers is actuated by a desire to increase rates. Had there been no terminal railway connecting the different line carriers and industries in Windsor, Walkerville and Sandwich, the tracks of the different railways are so situated that interchange tracks would, without doubt, have been ordered by the board, and shippers afforded the additional interswitching service between the different railways.

The position of the companies is that this work should be carried on in the future as in the past by the Essex Terminal Railway and not by the companies under the tariffs of the General Interswitching Order. The territory here being competitive, that service would largely have been performed at the expense of the line carriers. The companies do not propose to reduce their rates at all. The evidence abundantly supports this conclusion, and is as follows:—

"MR. FLEMING (Counsel for independent shippers): The position as I understand it is this. These roads will deliver at Amherstburg, 18 miles from Windsor at the same rate as at Windsor, the additional charge of the Michigan Central being absorbed in the tariff. It would be a great hardship to Windsor, and the other points to pay an additional switching charge, as it were, into their factories. If the railways require an additional freight rate, why, that is one question which I am not prepared to discuss now, but it is imposing a penalty on these factories located on the Essex Terminal if they are required to pay the through rate with the additional charge for the service of the Essex Terminal.

"THE CHIEF COMMISSIONER: Is not that the idea, Mr. Martin, that instead of reducing your through rates to Windsor by the amount which this company now gets, and which company is performing an interswitching service that you, under the general order, would have to perform? Is it the fact that you are going to absorb that instead of reducing your through rates?

"MR. MARTIN: That we are going to absorb that?

"THE CHIEF COMMISSIONER: Yes, just keep up the rate and take what the Terminal Company is getting?

"MR. MARTIN: That depends upon what is finally decided as to the nature of this railroad and other roads of similar character.

"THE CHIEF COMMISSIONER: But supposing this falls within some prohibition rightly made, that there is some undisclosed evil which we do not know anything about, and that the public is in some way suffering from something, in remedying it do you propose to keep up the rates just as they are and take for yourselves and the other railways concerned in the longer haul as against this terminal movement the full through rates as they now exist?

"MR. MARTIN: In other words, we would maintain their rates as they are and add the charge of this road to our charges?

"THE CHIEF COMMISSIONER: Yes.

"MR. MARTIN: That would be the result.

"THE CHIEF COMMISSIONER: I see.



"MR. FLEMING: That is what we are fighting, Mr. Chairman.

"THE CHIEF COMMISSIONER: That is just simply what the result would be.

"MR. CHISHOLM: That is the result under that Industrial Track decision.

"THE CHIEF COMMISSIONER: Then, if we turn round and disregard this line altogether and direct your companies to put in interswitching tracks so as to enable interswitching to be done under the general Interswitching Order, what difference would there be in the situation, Mr. Martin?

"MR. MARTIN: The difference to us would be the cost of putting in all these tracks.

"THE CHIEF COMMISSIONER: It would cost you more money.

"MR. MARTIN: I grant you probably it would.

"THE CHIEF COMMISSIONER: If the different railways had to look after this interswitching under the general order, they would be spending more money than they are under this system in Windsor. Is not that right?

"MR. MARTIN: I have not any doubt answering your question specifically, Mr. Chairman, that it would cost the railways more to-day to furnish those facilities than it costs them to-day to use the facilities already there.

"THE CHIEF COMMISSIONER: Certainly. So the result would be that if this local interswitching service to the public was to be withdrawn, your line and the other lines would be enabled to absorb the charges of the present local company, and thereby get a greater revenue; but on the other hand, if the public were continued to be given this service they have enjoyed in the past, instead of your getting a greater revenue out of your through rate, as a matter of fact you would be getting less?

"MR. MARTIN: Yes."

The result is that not only has no discrimination been shown between shippers in this neighbourhood, but that the alleged control by the Canadian Bridge Company has in no way injured any other shipper; but it also appears as the result of the admission made by a representative of the opposing companies, that, instead of the line carriers obtaining a smaller revenue as the result of the operations of the Essex Terminal Railway, their operations are carried on actually at less cost.

The suspension of the tariffs and supplements will be continued.

Assistant Chief Commissioner Scott and Commissioners McLean and Goodhue concurred.

Order, disallowing tariffs, issued.

#### RE G. T. R.—ASHBRIDGE BAY SPUR.

Judgment, Chief Commissioner Drayton, May 7, 1914:

The application in this case was made by Mr. Raney on behalf of the owners of property abutting on Ashbridge's bay, and who claimed riparian rights, including the right to use, for the purposes of navigation, Ashbridge's bay and channels connecting such bay with Toronto bay.

The application in form asked for the rescission of the board's Order No. 20288, dated September 8, 1913, which authorized the Grand Trunk Railway Company to construct a branch line commencing at a point on the portion of its railway known as the Ashbridge's Bay spur, east of Cherry street, Toronto; thence extending in a southwesterly and southerly direction along and across what is known as the 150-foot roadway, and across Keating's channel for a distance of 135 feet; thence in a southerly and southeasterly direction a distance of 2,415 feet in the Toronto harbour industrial district.

## SESSIONAL PAPER No. 20c

The application came on for hearing at Toronto on January 26, 1914. It was opposed by Mr. McMaster, who appeared for the Toronto Harbour Commissioners, and by Mr. Geary, corporation counsel for the city of Toronto.

It is alleged that the spur in question, carried as it is across Keating's channel by a permanent structure, prevents the navigation of that channel, and prejudicially affects, if not, indeed, renders valueless, the boatbuilding plants situate on Ashbridge's bay, the owners of which ask a rescission of the previous order.

It appeared that the order complained of was made by the board on the consent of the city and the Toronto Harbour Commissioners, and that the property owners for whom Mr. Raney appeared had not been advised of the application nor had any knowledge of it; and that there was nothing before the board which would in any way indicate that any rights of navigation were being interfered with. On the contrary local matters of navigation being entrusted to the care of the Toronto Harbour Commissioners so far as this board is concerned, the information before the board would be that from the standpoint of navigation the construction of the spur was unobjectionable.

It further developed that, as a matter of fact, the spur was built for the Toronto Harbour Commissioners, the letter from the Harbour Commissioners' Engineer, filed with the Board, stating that the Commission was anxious to have the track constructed at as early a date as possible. It has also developed that the use of the track was necessary for the reclamation of the district and the carrying out of the Harbour Board's plans.

The result is that the real opposition developed at the hearing to the application was made on behalf of the harbour commissioners and the city. There is no doubt that, had the board been aware of any question of riparian rights in Ashbridge's bay, including rights of navigation through the channel, no order would have been made without notice to those interested. Two remedies were open to the applicants—the first being the remedy at law, and the second the remedy which is now sought by the application to this Board.

It developed at the hearing that the applicants had already brought an action against the city, to which action the Harbour Board was joined as party defendants, in which, among other remedies, a declaration of the right of navigation in Ashbridge's bay was specifically sought.

It was further developed at the hearing that the case had been tried by the Honourable the Chancellor; that the evidence had all been taken; and that the case now stood for judgment.

The Board's view under such circumstances was that the application should stand until judgment was delivered, the question of navigation being common to both issues. The case was accordingly adjourned; but, on the undertaking of the Harbour Board to get out boats manufactured in any of the boat-building plants on the bay ready for delivery up to May following the hearing.

The application as adjourned was listed for hearing at the last sittings of the Board on April 24th, 1914. It was removed from the list of cases to be heard as the result of the letter of Messrs. Mills, Raney and Co., which is as follows:

"We have your notice of the 9th instant advising us that this matter will be on the list for hearing at the next meeting of the Board in Toronto on the 24th inst. The matter was adjourned at the last sitting pending the decision of the Chancellor in actions then standing for judgment involving the question of navigability to Ashbridge's bay and Keating's cut. Since then the judgment of the Chancellor has been handed down and is in appeal. We presume the matter will have to stand over until the determination of the appeal.

"We suggest that the matter stand off the list to be brought on by either party on notice to the other and to the Board after determination of the appeal.

"We are sending a copy of this letter to Messrs. McMaster, Montgomery and Fleury, solicitors for the Harbour Board."

The judgment of the Honourable the Chancellor finds that the applicants have no rights of navigation in Keating's channel or Ashbridge's bay. Apart from the question of navigation, there is no ground on which the application can be supported. The appeal that is mentioned in Messrs. Miller, Raney and Company's letter is the plaintiff's appeal.

An issue has now arisen between the parties as to the terms on which the hearing of January 26, 1914, was adjourned, the position taken by Mr. Raney being that the undertaking given by Mr. McMaster, and on which the adjournment was made, was that the applicants should have uninterrupted access to Toronto bay until the questions in controversy were determined. On the other hand, Mr. McMaster contends that the Railway Commissioners are only responsible to the extent of getting out boats manufactured between the date of hearing and May, if such boats could not be got out through the channel. The question is one of considerable importance to the applicants, but there is but little room for any discussion as to the terms on which the adjournment was made. The record on the question is as follows:—

"The CHIEF COMMISSIONER: What harm will be done by letting this stand for a couple of months?"

"Mr. RANEY: There is just this about it, sir; these men have not been taken into the confidence of the board; these men have running industries, going concerns.

"Mr. McMASTER: They are not doing anything there to-day.

"Mr. RANEY: If you will pardon me, these men for months past—for two years in fact—have been kept constantly on tenterhooks; no one has told them what is going to happen to them; the Harbour Board will disclose nothing to them; and they do not know whether if they manufacture boats they can get them out or not. They build their boats in the winter; they do not wait until spring.

"Mr. McMASTER: We will get their boats out for them.

"The CHIEF COMMISSIONER: Will you undertake to get out any boats they manufacture?"

"Mr. McMASTER: We will undertake to get out any they manufacture between this and next May. We will take them out on a train, if necessary.

"Mr. COUSINS: (Engineer, Harbour Board): We can get them out without damage.

"The CHIEF COMMISSIONER: Without cost to them?"

"Mr. McMASTER: They can go out under their own power.

"The CHIEF COMMISSIONER: Supposing the boats cannot get out?"

"Mr. McMASTER: If we have to carry them out—if they cannot float out—we will carry them out at our expense. If they can float out, they should go out under their own power.

"The CHIEF COMMISSIONER: Of course, Mr. Raney does not want anything else.

"Mr. RANEY: I have no objection that the matter should stand over on that undertaking. There is just this point about it, that the Chancellor may not decide that question of navigation.

"The CHIEF COMMISSIONER: Then, I suppose we will have to deal with it. Any boats that they manufacture between this and May, you are going to get out for them if they cannot get them out through the channel."

The Harbour Board must remove, without cost to the applicants or any of them, any motor boats which they now have ready for delivery. It is not necessary to go into



## SESSIONAL PAPER No. 20c

the question as to when they were finished, etc. The spirit of the undertaking was that the applicants were to be put in the position of being able to make delivery of boats ready for market within the time stipulated, and that if the bridge in question prevented such boats going out under their own power, the boats would be removed without expense to the applicants by the Harbour Board.

A list of boats ready for delivery must be submitted within one week to the Harbour Board, and the Harbour Board's responsibility in its undertaking will cease just as soon as such boats have been placed by the Harbour Board in Toronto bay, if, as a matter of fact, they cannot be floated through the channel.

No further order is made, and the board does not pass one way or the other upon any question of navigability of the stream, that question being covered by the judgment of the Honourable the Chancellor, and the application having been postponed for the purpose of enabling the pending appeal from it to be prosecuted to conclusion.

Assistant Chief Commissioner Scott concurred.

## LOCATION OF STATION ON C.P.R. AT COQUITLAM, B.C.

Judgment, Chief Commissioner Drayton, May 7, 1914:

This is an application of the Canadian Pacific Railway Company for an order approving of the location of a station at Coquitlam, British Columbia, as shown on plans filed with the board.

The original application in this matter, which has been very much debated, came on for hearing at a sitting of the board held in Vancouver on November 29, 1912.

Although the application was in form an application by the Canadian Pacific, the burden of the application was assumed by the Coquitlam Terminal Company, a real estate corporation that was desirous of having the station moved from New Westminster to a point in Coquitlam nearer to that company's property; and the question of railway facilities was, in the manner the case was then presented, not much dwelt upon and was a question of only subsidiary importance.

The board has found that such consideration would afford no ground for the removal of the station from New Westminster; and that no station should be moved simply for the purpose of furthering real estate interests in one quarter as against those in another, or advancing the interests of a new townsite.

After the hearing, but before judgment on the application was delivered, an inspection of the existing facilities at New Westminster was made by Commissioner McLean and myself. We then came to the conclusion that, while conditions necessitating a change might arise in the future, no change at that time was necessary in the public interest.

A further application made by the company was heard at a sitting of the board held in Vancouver on May 19, 1913, when it was stated, on behalf of the company, that, while it was desirable in its view that, in order to make necessary additions to the existing facilities, a station should be built in Coquitlam, at the point indicated on the plan filed, it was confident that a majority of those interested in the locality would, in their own interest, be in favour of obtaining the increased facilities, that the application would not be pressed by the railway company until a vote had been taken on the question for the purpose of determining what the real local interest was. Accordingly the municipality of Coquitlam passed a referendum by-law, entitled The Port-Coquitlam Station Referendum By-law, which was submitted to a vote on September 29, 1913.

The question submitted gave the ratepayers the option of expressing their opinion in favour of building the new station (1) at the north end of the school road; or (2)

on the present location; and the certificate of the city clerk on the result of the poll is as follows:

For removal.....	178
Against removal.....	70
Ballots spoiled.....	3

which, of course, means that, of this vote, a large majority favoured building at the north end of the school road rather than on the present site.

Following the vote, the municipality of Port Coquitlam made an application for an order directing the Canadian Pacific to build a new station at the north end of the school-house road.

The municipality of Coquitlam, on October 8th, passed, and subsequently filed with the board a resolution in favour of maintaining the station on the present site.

The fairness of the referendum has been challenged in a series of papers lodged with the board by those opposing the application for a change of site, and numerous petitions have been received.

At the sittings of the board held in Vancouver on October 27, 1913, Mr. MacIntyre appeared for the city of Coquitlam and asked that the application of the city for the construction of a station at the foot of the school-house road in Coquitlam be listed for hearing. The request was granted and the application heard at the same sitting. Mr. Cowan appearing in the interests of those desiring the station to be retained on its present site and Mr. Peters appearing for the Canadian Pacific.

It developed at the hearing that objections to the vote were based, not only on the allegation that the school-house road site selected by the railway was an undesirable one, but also on the further allegation that the vote approving of the proposed removal had been carried as a result of the votes of non-residents. It is of record, however, that 148 residents voted, and that only 70 votes were recorded in favour of the present site; so, crediting the whole of the 70 votes to ratepayers residing in the locality, the most that can be said on the ground of local convenience and the wish of the local ratepayers is that, to say the least, they are pretty equally divided on the question, and that there is no public expression of a preponderating interest requiring the station to be maintained on its present site.

Undoubtedly some property owners will be damaged by the station facilities being placed further east. Any change in the location of railway facilities of necessity damages some one. It, on the other hand, may benefit many. The question is one of collateral rather than main importance. The board's desire to ascertain whether the existing facilities, in view of changed conditions and increased traffic, are or are not sufficient; and, if not sufficient, whether they can be made sufficient and convenient on the present site; or, failing this, what, in the public interest, is the best location for a station at Coquitlam. The public interest here referred to has nothing to do, in the first instance, with the question of real estate values one way or the other, or real estate damages; it is the preponderating interest of those who will use the station in question—the people in Coquitlam and the surrounding district who are entitled to proper and sufficient transportation facilities.

It was further shown at the hearing that those opposed to the removal of the station were of the view, as already stated, that the site selected by the municipality was improper. In reference to the municipality's proposition on the one hand and the site urged by the railway company on the other, the record is as follows:—

"Mr. COWAN: Of the two evils, I think the schoolroad is perhaps the worst. I do not think there is much doubt about that.

"The CHIEF COMMISSIONER: Why? It is much nearer to you.

"Mr. COWAN: It is a blind street. It is a foolish act. Immediately west there is a swamp. There is no present means of access to it or egress from it.

## SESSIONAL PAPER No. 20c

without gum boots or something of that kind. I think your engineer would very quickly say that was preposterous.

"I may mention, too, that the railway company will practically confirm what I say.

"THE CHIEF COMMISSIONER: Oh, yes they want it down their way.

"MR. COWAN: They want it at 16.

"THE CHIEF COMMISSIONER: You are with the Canadian Pacific on the question of the school road?

"MR. COWAN: Yes."

As matters now stand, it has further to be noted that both the old site and the new site are within the limits of the same municipality; and the position of the city is that, if the situation at the foot of school-house road is an improper situation, the municipality would rather that the increased facilities which they claim are necessary in the interests of increased transportation, should be afforded the public on the site suggested by the Canadian Pacific, than that an attempt should be made to provide them at the present site.

The board had no notice that the case would be considered, and had no paper with it at the time of the hearing; hence the matter had of necessity to stand for judgment.

Since the hearing, the board has had further inspection made of the location and of the proposed sites. Mr. Spencer, who is now the board's chief operating officer, has reported against the present site; and that, in the interests of safety and better accommodation, a new station should be provided. A material part of his report is as follows:—

"The traffic, both freight and passenger, to and from Westminster, is transferred to and from the main line at Westminster junction, for which purpose the company is running eight mixed trains per day over that branch, all between 8 a.m. and 11.15 p.m. These trains all use the "Y" track mentioned for the purpose of coming to the platform at Westminster Junction Station, and pass out on the main track for the purpose of switching, loading and unloading express, baggage, etc., and for the purpose of running to the west leg of the "Y" to turn the engine or cars, or both, on each trip; and, as the cars for the freight shed at Westminster junction and for team track delivery or loading stand upon the siding, the said siding being on the inside of the curve of the "Y" track, a dangerous situation is created, these cars and the freight shed itself intercepting the view of the train using the "Y" track from pedestrians going to and from the station, access to which is reached only by crossing the tracks from Dewney Trunk road at east end of the platform.

"There is a hotel located on the north side of the tracks immediately opposite Westminster Junction station. The entrance to this hotel is from the company's right of way, and people cross the track from the platform to the hotel quite freely; and, as there are two main tracks and switching lead there, another dangerous condition obtains, both as regards the main line movements and the turning operation of the Westminster Branch train.

"The passenger station is an old building with one or two lean-to's attached, and in this pile there are two waiting-rooms, freight, ticket, and telegraph offices. While the building was clean, it is decidedly out of date and too small for the accommodation of the travelling public, especially during bad weather.

"The railway company states that they handle nearly 100 passengers a day to and from Westminster. The ticket sales locally at Westminster junction



6 GEORGE V, A. 1916

for the month of November show 1,981, an average of 66 per day. The freight business locally at Westminster Junction shows for the month of November:—

Received. . . . .	674 tons.
Forwarded . . . . .	473 "

Total. . . . . 1,147 "

and, in addition, carload shipments of gravel to Vancouver not handled on the siding mentioned—3,803 tons."

On the question of the siding opposite the school-house road, Mr. Spencer reports:

"At the side opposite school-house road, the company has not sufficient land to put in a suitable building without encroaching on the highway, which, at that point, is very narrow; and it is too close to Shaughnessy street.

"The company's location is 1,310 feet, or 640 feet farther, from Shaughnessy Street than the school-house road site, and will, therefore, provide ample space for a standard train to stand clear of Shaughnessy street. This site is also nearer the centre of the present population, and consequently central for the majority of people.

"My recommendation is that the company's application be approved."

The board also had Mr. Kerr, its engineer for the district, consider carefully the layout plan prepared by Mr. Webster and the layout plan as prepared by the Canadian Pacific Railway Company, as well as the suggested site at School-house Road; and Mr. Kerr reports that, if Mr. Webster's plan were adopted, it would, in his opinion, interfere with the development of the city and prove detrimental to the interests of the public at large; that the site does not provide sufficient room for future trade, that it is at the extreme west of the city limits; that there is no room for handling freight; and that it would not be a desirable place for stock yards. He further reports that the street entrance to the freight sheds on Mr. Webster's plan would be dangerous, and might result in serious accidents due to the fact that it crosses the Westminster branch line; and his final conclusion is that, with the city's interests in view, as well as in the interests of the company, and the general public, the company should be authorized to place its station on the site selected by it—immediately east of the north end of Kingsway road.

The board has very carefully considered the different sites, and has been at great pains to arrive at a proper disposition of the case, especially in view of the fact that the earlier settlers, in the west part of the city, near the present location, will be more or less injured by the removal of the station,—a fact which would certainly forbid removal but for the paramount claim growing out of questions as to the safety, accommodation, and convenience of the general public in the locality to be served by the station.

The board is now satisfied that the railway facilities in Coquitlam have become insufficient—that it is necessary for the company to enlarge its yard, extend the sidings and provide passing tracks; our engineers are of opinion that the layout of the "Wye" at Westminster junction does not admit of necessary extensions at that point; and a very strong objection to the site is the fact that the team tracks and freight shed can be reached only by crossing one or other of the main line tracks.

So everything considered, I am of the opinion that, not with a view to assist in the sale of real estate, but in the general interests of the public in the locality, the board should grant the company's application, authorizing it to erect its station for Coquitlam on the site immediately east of Kingsway road—on terms to be included in the order.

1st. That the station platform be extended to the school-house crossing to give convenient access from that point to the station.

## SESSIONAL PAPER No. 20c

2nd. That the railway company deed to the municipality, free of cost, a strip of land, say, 20 feet in width, to widen the road from Westminster junction to the proposed new station; any dispute as to the exact width or dimensions of the said strip to be settled by the Board.

3rd. That the company give the municipality, as per offer already made, the steel bridge referred to at the hearing, on terms to be agreed upon between the company and the municipality, in case the municipality desires to secure the said bridge.

4th. That the company will not close its station at Westminster junction without first obtaining the consent of the Board, it being understood that, under present conditions, the said consent is withheld.

Commissioners Mills and Goodeve concurred.

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Judgment, Chief Commissioner DRAYTON, July 18, 1914.

The judgment annexed hereto was prepared and ready for delivery before the Board's last trip to the West. It was held back by reason of the fact that, while the Board had no doubt as to the correctness of the conclusions arrived at, it might be that by reason of changed circumstances and conditions the order should not be made, the Board's feeling being that if the present facilities were at all adequate the station should be kept where it is in view of the settlement which has taken place in its immediate vicinity.

As a result of the inspection which I made last June, it is apparent that business has so much decreased as to render it possible for the station to remain where it is for the present. Before ascertaining this the Board was advised by Mr. McKenzie, the mayor of Coquitlam, that in the interest of the future development of Coquitlam it should be known without greater delay as to whether or not the station would be moved, and where its ultimate location would be.

I have no doubt that the check in business is but temporary, and that the existing facilities will in the near future be insufficient.

In view of the request of the municipality that the matter should be settled without delay, the Board's judgment already referred to will now be delivered.

Commissioner GOODEVE concurred.

Ordered accordingly.

APPLICATION MADE BY THE MONTREAL LIGHT, HEAT, AND POWER COMPANY FOR AUTHORITY TO LAY A THIRTY-INCH GAS PIPE FROM THE COMPANY'S NEW WORKS ON THE LACHINE CANAL ACROSS THE PROPERTY NOW UNDER LEASE BY THE GRAND TRUNK RAILWAY COMPANY FROM THE DEPARTMENT OF RAILWAYS AND CANALS, CADASTRAL NOS. 1005, 1026, AND 1025, PARISH OF LACHINE, NEAR THE WESTERN END OF THE TURCOT YARDS.

Judgment, Chief Commissioner Drayton, May 20, 1914:

The case came on for hearing at Montreal on Friday, May 15, 1914.

After argument, judgment was reserved, and the matter was referred to the board's chief engineer to report on the engineering questions involved.

It was thought at the hearing that it might be extremely dangerous to allow a gas main of such a diameter to be laid under railway tracks, more particularly having regard to the fact that the ground was soft in character and that the plans of the railway company would call for the utilization of this property for yard tracks, resulting in more or less hammer owing to the imperfect character of the ground on the proposed gas main.

Mr. Mountain has since reported that the work can be carried on safely, as, under the tracks of the Grand Trunk, the trench can be excavated down to solid ground. This, of course, must be done. Mr. Mountain is of the view that the work can be authorized without endangering the public safety on the condition that it be carried

out to the entire satisfaction of the Chief Engineer of the Grand Trunk Railway Company.

The point at which the power company desires to cross the railway company's property is not on line with any street, and the company is in the same position as any other landowner, subject, of course, to the sections of the Railway Act which give the board jurisdiction for certain purposes over the company's property.

The work involves the occupancy of the railway yards to an extent of about 1,200 feet.

Mr. Chisholm, who appeared for the railway company, objected that the application could not be supported under any section of the Act, and that the pipe could not be authorized under the provisions of section 250, which, as he submitted only gives rights of application to the municipality or adjacent landowner. The section referred to by Mr. Chisholm, and which is invoked in support of the application in subsection (b) of section 250 of the Act, and is as follows:

"Any municipality or landowner desires to obtain means of drainage, or the right to lay any pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company; the board may, upon the application or complaint of the municipality or landowner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to inspect the locality in question, and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the board."

Subsection 3 of the same section also provides that:

"The board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be affected, or pipes laid, constructed, and maintained, having due regard to all proper interests."

It appeared at the hearing that this company is a land-owner, and an adjacent land-owner, and as then intimated by me I am of the view that, as a matter of law, the board has jurisdiction to make the order asked.

It was claimed by the company at the hearing, that, in order to serve the public and discharge the obligation resting on the company as a public utility, it was absolutely necessary that gas should be conveyed across the railway company's property in order to furnish a supply to a very large number of the inhabitants of Montreal. I find that there is no question at all as to the public necessity of the work, nor is there any other way in which the necessary access can be reasonably obtained except across the railway company's property. Under these circumstances, I am of the view that an order should be made.

The railway company, however, should be treated just in the same manner as any other owner of property would be entitled to be treated. Not only should the work be carried out to the reasonable satisfaction of the railway company's Chief Engineer so as to insure safety to the travelling public; but arrangements should be made so as to enable water to be pumped from the gas main, or the gas main to be otherwise cleaned, or repaired, without interfering with the railway company's operations.

The Gas Company must be at the full responsibility of the maintenance of the pipe and indemnify the railway company from any loss, damage, or injury to the railway company's property or employees, or to the travelling public on the company's trains.

Treating the railway company as a private land-owner, the gas company should either make an agreement with the railway company as to the amount of damages, if



## SESSIONAL PAPER No. 20c

any, that are sustained, or, failing an agreement, exercise its powers of expropriation (if it has any), so as to fix the amount of compensation by arbitration. If the Gas Company has no such powers of expropriation, and it can only go across the lands in question on the board's order, further application may be made to the board for a direction as to the assessment of damages.

I think the board has jurisdiction under the Act to impose these terms and conditions as conditions precedent to the exercise of the authority which I think should be conferred.

Should the requirements of the railway company's engineer as to the layout and character of the work be, in the opinion of the Gas Company, unreasonable, those details will be settled by the Board's Chief Engineer. Commissioner McLean concurred. Reported in 17 Can. Ry. Cas. 330.

APPLICATION BY J. H. MCPHERSON FOR AN ORDER DIRECTING THE CANADIAN PACIFIC RAILWAY COMPANY TO CONSTRUCT A SIDING FROM A POINT ON ITS MAIN LINE TO THE APPLICANT'S STONE QUARRY IN LOT 22, CONCESSION 7, GORE OF PUSLINCH, WELLINGTON COUNTY, ONTARIO.

Judgment, Chief Commissioner Drayton, May 20, 1914.

The application was heard on April 24, 1914, at the sitting of the board held in Toronto.

It was opposed by the railway company, the matter argued, and the judgment of the board withheld until the engineering difficulties which were urged by the company at the hearing could be checked up by an engineer of the board after a view of the *locus in quo*. This inspection has been since made and a report received by the board.

The objections taken by the company were in a large part based on the ground that the switch would entail breaking the company's main line at a point between seven and eight miles west of Guelph junction. The line at the present consists of but a single track. It was urged, on behalf of the company, that it was one of the busiest portions of its line, and that between forty and fifty trains passed the point in question each day; and that railway traffic was so heavy that the company was now contemplating double-tracking.

The report of the board's engineer shows that the spur applied for would leave the main line only 2,700 feet west of an existing quarry spur; that the main line grade is .757 per 100 feet; that west of the spur in question the track is straight, but that to the east there is a curve only a short distance away; and that one mile farther west there is another spur, with the result that the main line track has already been cut in two places between Puslinch and Leslie, a distance of about seven miles.

There is no question at all but that the practice of breaking the main line tracks for industrial switches at points where trains are operated at high speed is more or less dangerous.

Mr. Guthrie, who appeared for the applicant, pointed out the fact that the company had put in other switches, and that there would be no more danger with this switch than there was with the others. This is undoubtedly true. On the other hand, because the company has made a mistake in the past, or for the purpose of obtaining freight has to some extent jeopardized the safety of its trains, is no reason why the board should either countenance or follow the practice.

Switches have often been put in in the past when they were practically unobjectionable in view of light traffic on the line and slow movement, and they are extremely difficult to get rid of when the conditions have changed.

The question narrows itself down to that of determining whether the applicant should be accommodated by an extension of the Maloney Quarry spur—which would cost probably some \$4,000, and possibly about \$3,000 more than a direct spur would cost—or safety of train operation on the other hand be imperilled.

6 GEORGE V, A. 1916

To my mind there is no room for doubt that the application should be refused. I think, however, that, if the applicant desires to have a spur run to his property from the Maloney Quarry spur, an order should be made.

In case, however, the line is double-tracked, the objections disappear.

The switch can be built with a grade of 1.35 away from the main line, and with the double track will become a trailing switch, which cannot fairly be described as dangerous.

The applicant, therefore, has the option of either waiting until such time as the line is double-tracked for his spur, or having spur accommodation afforded by the extension of the Maloney Quarry spur on the applicant's complying with the terms of section 226 of the Act.

Concurred in by Commissioner Goodeve.

CITY OF HAMILTON AND T. H. & B. RY.—SPUR ACROSS VICTORIA AVENUE SOUTH.

Judgment, Chief Commissioner Drayton, May 21, 1914:

This case involves the question of the construction of a spur carried on an overhead structure across Victoria Avenue South in the city of Hamilton, Ontario, to the premises of the Gillies-Guy Coal Company.

The coal company, apparently, had applied to the railway company for the spur, and as the railway company was of the opinion that the coal company was entitled to the spur, the railway company made application, under sections 222 and 223 of the Railway Act, for an order authorizing the spur construction.

The application was supported by the consent of the Corporation of the City of Hamilton, which was duly filed with the Board, the consent reading as follows:

"That no objection be made to the issuing of an order by the Board of Railway Commissioners for Canada providing for the construction of a siding by the Toronto, Hamilton and Buffalo Railway Company into the premises of Gillies-Guy, Limited, and crossing Victoria Avenue overhead, in accordance with the plan submitted, with the following modifications: Providing for a pier or support to the east of the present sidewalk on the east side of the street, and carrying the tracks without any further support to the west side of the street in a line with the outer edge of the sidewalk on that side of the street produced; the whole of the work of construction on the street to be satisfactory to the city engineer, and the Toronto, Hamilton and Buffalo Railway Company to indemnify the city in case of any claims on account of the construction and maintenance of this overhead crossing. The privilege hereby granted to be during the pleasure of the council."

This action was taken by the city council at its meeting on the 31st of March, 1914.

The Board subsequently, by order numbered 21618, authorized the spur construction, and by the terms of the order required the railway company to indemnify the city from and against any claims on account of the construction or maintenance of the overhead crossing, leaving the question of details of construction to be determined by the Board's chief engineer; and further providing that the authority granted to construct the overhead trestle should be without prejudice to the rights of the city to make application for its removal.

Although the order bears date April 7th, 1914, the order, as a matter of fact, was not issued to the parties until April 14th, 1914, when certified copies were forwarded to them, which would not be received in the ordinary course until April 15th, 1914.

On April 16th, 1914, the Board received a letter from the city clerk withdrawing the city's consent on the grounds that the company had refused to accept the terms and conditions contained in the consent filed, the city clerk's letter being dated April 15th.

## SESSIONAL PAPER No. 20c

A formal application to rescind the order subsequently received stated:

"Should the construction of the said overhead spur be proceeded with, it will render it impossible for the corporation to place Victoria Avenue at a proper grade to enable vehicular traffic to pass along Victoria Avenue to Charlton Avenue. The city corporation has expended large sums of money in purchasing lands for park purposes between Wellington and Wentworth Streets and South Charlton Avenue, and there is no access to said lands from the west, except the said Victoria Avenue and a narrow passage at the west of said park lands."

The application further stated that, on April 16, the solicitor for the railway company was advised that an application would be made to rescind the order; and that he was further advised not to order any material for the construction of the overhead spur in question. The company's formal answer to the application—besides taking a general issue on the different matters alleged by the corporation—further alleged that the company had already ordered all the material required for the work before the 16th of April; that a large proportion of it had been received; that some of it was then in transit; and that, if the board's order was rescinded, as prayed for by the city, heavy damages would be sustained, not only by the railway company but also by the coal company, which had also, before that date, placed large orders for material to be brought in on this branch line.

The city's application to rescind the order was heard in Hamilton on the 23rd of April, 1914.

It appeared at the hearing that material had been ordered as the company alleged.

It was established, on behalf of the city, that the proposed Mountain Park was not only in actual contemplation, but that certain property had been purchased; and that it was necessary to improve the grade on Victoria avenue.

The reason the consent was given was explained by Controller Morris, of the city corporation, as follows:—

"I think I have the reason, Mr. Chairman. It may seem to you a very simple thing, and you may not be able to understand how some of the members of the council would act that way; but here really is the secret of the whole thing: At the present time the face of the mountain is not beautified; it is not a park at the present time, and some of them have the idea that this would not be very important as an approach to the park perhaps for 5 or 10 years; and they said that if it meant for a long period—5 or 10 years—during the pleasure of the Council, by the time it is beautiful and put in shape, this will have to come down."

The Company denied the practicability of any park construction to the south either in the near or distant future.

Judgment was reserved by the board for the purpose of making an inspection of the premises. This has since taken place.

I am of the opinion that, while it will probably take some time and a good deal of money, the park project is perfectly feasible, and that nothing should be done to defeat it.

Without doubt, the only reason why the corporation moved to open the matter up was based on the fear that the board might not give effect to the necessities of the park and the advisability of having the approaches kept in such a manner as to conform to park requirements.

I do not think that the corporation gave the consent idly or with any idea of factiously withdrawing it to the prejudice of the coal company, and with the inevitable result that money should be wasted without the slightest possible object.

I am further of the opinion that the grade of Victoria avenue can be well improved by the city, as the city engineer submitted. At the same time, it probably



6 GEORGE V, A. 1916

will take a good many years before the park construction is carried to a point where the city would be injured at all by a spur. A large part of the expense has already been incurred for the material which has been ordered; and I do not think that the board's order should be at the present rescinded. The structure, however, must not only be constructed but maintained so as to afford proper head-room for Victoria avenue having regard to the new street grade which may be adopted by the city engineer; and the parties must understand that, as soon as the park requirements are such as to require removal of the spur, that situation will be regarded as a good and sufficient reason for the issuance of an order removing the structure over Victoria avenue and without remuneration either to the railway or coal companies.

Commissioner Goodeve concurred.

CONSUMERS' GAS COMPANY OF TORONTO V. C.P.R.

Judgment, Chief Commissioner Drayton, May 21, 1914:

The application made by the Consumer's Gas Company of Toronto for a reduction in local rates within the Toronto Terminals on coke was heard, in the first instance, at Toronto on the 24th day of April, 1914, when it was adjourned to Ottawa so as to enable the railway companies to put in evidence as to the terminal costs involved.

This evidence was furnished to the board at the meeting in Ottawa on Tuesday, the 19th day of May, 1914.

Boards of Trade and others interested being advised of the basis of the railway companies' figures, and the results, for the first time requested that the general matter of local switching charges should stand.

There has been a great delay on the railway companies' part in furnishing the board with their data as to costs and the board was of the view that the complaint of the Consumers' Gas Company should not be delayed until the larger matter was disposed of, but that an interim order should be made.

It appeared from the Canadian Pacific Railway Company's tariff C.R.C. No. E-1681 that the Canadian Pacific carried coke from Toronto to Lambton at a rate of 30 cents. The charge made by the railway companies for carrying coke from the Esplanade in Toronto to North Toronto was 95 cents, and the rates were hopelessly out of line, notwithstanding the fact that for the movement from the Esplanade to North Toronto a far greater occupancy and use was made of the expensive Toronto Terminals.

It was claimed, on behalf of the Canadian Pacific Railway Company, that the Lambton rate had been cancelled. On the tariffs produced before the Board, that cancellation had, however, been postponed, so that the 30 cent rate, on the evidence before us when sitting, showed that coke could still be moved from Toronto to Lambton, a distance of 6.4 miles, at 30 cents, as against the movement from the Esplanade to North Toronto on 8.1 miles for 95 cents.

The judgment of the Board delivered at the hearing was that the rate should be reduced from 95 cents to 60 cents a ton, and that the rate should be divided between the two companies—30 cents to the Grand Trunk and 30 cents to the Canadian Pacific.

The Canadian Pacific now complains that the board was mistaken in finding that the Lambton coke rate had not been cancelled. Mr. Hardwell has since gone carefully through all the files, and he finds that, in Supplement No. 33 to the original tariff which the board had before it, which supplement took effect June, 1912, the rates on coal and coke from the Toronto Terminals to Lambton, as well as to other similar stations, were withdrawn and cancelled.

The result, therefore, is that, so far as existing Lambton rate is concerned, it cannot be said that the company is violating the long and short haul clause of the Act. But the Lambton rate was only an illustration of the inequalities that the situ-

## SESSIONAL PAPER No. 20c

ation presents. As a matter of fact coke is brought, in the first instance, from the Consumers' Gas Plant by the Grand Trunk and is handed over to the Canadian Pacific at the transfer track in West Toronto.

Referring to Grand Trunk tariff C.R.C. No. E-2855, item 57, it will be seen that the Grand Trunk provides a rate of 40 cents from Toronto to Weston. The movement of coke to Weston must pass through West Toronto, the distance to Weston being 8.41 miles, while the distance to West Toronto is less than 5 miles. This tariff has not been cancelled nor advanced, so that, as the tariffs stand to-day, in so far as the line of the originating carrier of the commodity in question is concerned, the judgment of the Board can be amply supported.

As was stated at the hearing, the order is merely temporary. The Board has no intention of making any rate which will not be remunerative, and it may be that all the rates are not only out of line, but on too low a basis.

Before the question of costs could in any proper sense be passed upon, the companies had to submit their data. The great delay that has taken place is chargeable solely to them.

In my opinion, the rate of 60 cents as ordered should stand.

Assistant Chief Commissioner Scott concurred.

Ordered that the joint rate on coke, in carloads of a minimum weight of forty thousand pounds per car, from the complainant's siding on the Esplanade in Toronto to the sidings of the Canadian Pacific Railway Company at North Toronto, be reduced from ninety-five (95) cents to sixty (60) cents per ton of two thousand pounds; to be made effective not later than the 22nd of June, 1914.

COMPLAINT OF THE ST. MARY'S HORSE SHOE QUARRY, OF ST. MARY'S, ONT., AGAINST THE ALLEGED REFUSAL OF THE GRAND TRUNK RAILWAY COMPANY TO OPERATE ON THEIR SIDING UNLESS THE QUARRY COMPANY PAY FOR REPAIRS MADE TO SUCH SIDING BEFORE THE GRAND TRUNK RAILWAY HAD ANY AGREEMENT WITH THE QUARRY COMPANY.

Judgment, Mr. Commissioner GOODEVE, May 22, 1914:—

This case was heard at Berlin on April 22, 1914, before the Chief Commissioner and myself and is the application of R. H. McWilliams of the St. Mary's Horse Shoe Quarry Company to be relieved of the expense of maintenance and interest charged upon the spur of the Grand Trunk Railway Company into his property.

It would appear from the evidence that this spur has been in existence a good many years, and came into the possession of Mr. McWilliams as the purchaser of the assets of the Horse Shoe Quarry Company. It was originally installed under the usual siding agreement, and it was claimed by Mr. Chisholm, on behalf of the Grand Trunk Railway Company, that Mr. McWilliams, as the purchaser of the property, became liable under the agreement. This was disputed by Mr. McWilliams. It was further stated by Mr. McWilliams that in 1911, when the Canadian Pacific Railway approached him for connection with his quarry, Mr. Pettigrew at that time divisional freight agent of the Grand Trunk Railway at Stratford, had stated that if he would not allow the Canadian Pacific Railway to make connection with his property, but would give the Grand Trunk Railway his entire tonnage, they would relieve him of the expense of maintenance of this spur, and reduce his rental or interest charges to the nominal sum of one or five dollars per year. For that reason no connection was given the Canadian Pacific Railway. In support of this at the hearing he stated that a cheque for two hundred dollars, given by him as security for cost of repairs, was returned to him by Mr. Pettigrew. While Mr. Chisholm, on behalf of the Grand Trunk Railway Company, denied this statement, he was unable at the time to give any satisfactory explanation of why this cheque had been given and afterwards returned.

6 GEORGE V, A. 1916

Mr. Chisholm produced their regular siding agreement signed by Mr. McWilliams containing the usual conditions under which the applicant was to pay for the cost of maintenance and interest charges. Mr. McWilliams claimed that this was signed by him under pressure in the midst of a busy season, the Grand Trunk having refused to handle his business otherwise.

Mr. Pettigrew was not present at the hearing, as he is now stationed at Montreal. Judgment was therefore reserved in order to obtain more information with regard to the cheque.

Since the hearing a letter has been filed by Mr. Chisholm under date of May 13, 1914, enclosing copy of a letter from Mr. Pettigrew explaining what had taken place, and verifying his explanation by means of a letter written by him on April 22, 1911, to Mr. McWilliams and Mr. McWilliams' reply thereto under date September 25, 1911, copies of which are also on file. Mr. Pettigrew's statement being that at the date of his negotiations with Mr. McWilliams they were endeavouring to obtain the use of this spur for the St. Mary's Portland Cement Company who were about to locate there, and that as consideration for the use of the spur it was suggested that the Grand Trunk should assume the cost of repairs and reduce the interest charges in exchange for the use of that portion of the tracks which would be necessary to serve the Cement Company's plant.

There was owing at this time a bill for repairs previously made, and there were some repairs that would be immediately required to insure the safety of the operation of the spur, and it was as security for these latter repairs that a cheque for \$200 was deposited with the G.T.R. Company by Mr. McWilliams, the understanding being that this was to be held until the final disposition of the negotiations for the use of the spur by the cement company. These negotiations fell through and a separate spur was constructed for the cement company. But for some reason which does not appear, the cheque was returned.

Mr. Pettigrew's letter does not make it clear whether the cheque was returned before or after the signing of the regular siding agreement by Mr. McWilliams. If afterwards that would be sufficient explanation. In any event there is nothing to show that the cheque was returned because of any agreement made by Mr. Pettigrew to assume on behalf of the company the charge of maintenance and interest. On the contrary, this being the usual siding agreement signed by Mr. McWilliams who is a capable business man and must have known the purport of the agreement, and who, the evidence goes to show had paid for the repairs up to the time of the dispute, I think his application to be relieved should, therefore, be refused.

Chief Commissioner Drayton concurred.

APPLICATION OF THE EDMONTON CITY DAIRY FOR AN ORDER REQUIRING THE DOMINION EXPRESS COMPANY, UNDER RULE C OF THE COMPANY'S SPECIAL CREAM TARIFF, C.R.C. 4139, TO REFUND 5 CENTS PER CAN ON THEIR CONSIGNMENTS TO EDMONTON BETWEEN THE EFFECTIVE DATES OF THE SAID TARIFF, VI<sup>2</sup>., OCTOBER 15, 1912, TO SEPTEMBER 17, 1913, INCLUSIVE, APPLICANTS BEING OUTSIDE OF THE DELIVERY LIMITS AND NO DELIVERY SERVICE HAVING THEREFORE BEEN FURNISHED.

Judgment, Mr. Commissioner McLean, May 22, 1914:

The rules on which this application turns are contained in tariff C.R.C. No. 4139. The rules which are pertinent to the present application are rules 1-3 inclusive, which are as follows:—

"1. The above charges include the delivery of filled cans and collection of empties for the dealer at all points where the Dominion Express Company furnishes a collection and delivery service for other goods.



## SESSIONAL PAPER No. 20c

"2. In the case of shipments by a dealer, if filled cans are collected by the Dominion Express Company and shipped to a place where this company does not furnish a collection and delivery service for any kind of goods, the above charges shall apply.

"3. In places where a collection and delivery service is not furnished by the Dominion Express Company, the charges—except as in paragraph (2) shall be 5 cents per can less than the above rates."

The question involved in the present application is the limitation, if any, in rule 1 of the obligation of the Express Company in regard to the deduction of the sum of 5 cents per can when collection and delivery service is not provided for, the provision in this regard being set out in rule 3.

In rules 2 and 3, the word "place" is used as equivalent to a station or office, and at such station or office the Express Company holds itself out to accept from or deliver to a person, there presenting himself, any article of express business. The station or office, of course, serves an area of territory. It may be located in a town or village. The area, however, which the station or office aforesaid will serve depends on the needs of business, not on the municipal limits.

The word "point" as used in rule 1 is also concerned with locality. Here, also, there is a station or office. But, in addition, there are the incidents of collection and delivery. Does the fact that the word "point" as used appears to be tied up with a situation where the Express Company "furnishes a collection and delivery service for other goods" mean that the area served by the office or station located at such "point" is removed entirely from the obligations of rule 3? Such in sum is the contention of the Dominion Express Company.

In a considerable number of cases, Edmonton being one of them, reasonable delivery limits have, on the application of the Express Company, been fixed by the board after inspection by one of its officers. Edmonton, which is a "point" falling within rule 1, serves an area of territory which is subdivided into (a) a portion of territory in which there is a delivery and collection service, (b) a portion in which no such delivery and collection service exists. As to the latter, it may as in the cases falling within rules 2 and 3, extend either to the municipal limits or beyond, as business may demand.

Now, since the existence of an area of territory adjacent to a "place" or "point", and in which no collection and delivery service is performed, is common not only to rules 2 and 3 but also to rule 1, it follows that any interpretation which will say that in respect of such area of territory it shall, because it is adjacent to a point where there is a collection and delivery service, be treated as if the collection and delivery service were also performed within that area,—for that is the effect of not making the deduction as provided for in rule 3,—must depend on explicit words. No such explicit words are to be found in the rules, and it, therefore, follows that as to the area adjacent to a "point" but not included within the collection and delivery area the deduction of 5 cents per can as set out in rule 3 should be made.

The express company contends that if a ruling is made that the applicant is entitled to a reduction, there should be an accounting as between him and the express company by way of set-off. The position of the express company in this respect is set out in a letter on file, as follows:—

"We do not feel, however, like making any further concessions to these dealers, particularly in the case of the applicant, who, we think, owes us considerable money by reason of the fact, admitted by Mr. Prevey in his evidence before the board, that a large number of cans of sweet cream for domestic purposes were received by him and paid for on the basis of the sour-cream rates during the period in which the order of September, 1912, was in effect. In fact, Mr. Prevey stated that he had never paid anything but sour-cream rates. (Evidence of this case commences on page 11296 of the record.)

6 GEORGE V, A. 1916

"The evidence of Mr. Palleson, of Calgary, indicates clearly that the proportion of sweet cream for domestic use is 25 per cent of the whole quantity shipped.

"Mr. Prevey's complaint of November 27, 1912, contained a statement of traffic carried by the various companies for him for the month of July, 1912. Such statement shows that for various distances there were carried over our lines the total number of 4,243 cans. Assuming that to be an average month and multiplying the number by twelve, it gives a total of 50,916 cans for the year—25 per cent of which was sweet cream for domestic use. Apparently, therefore, we carried at the sour-cream rates 12,729 cans on which should have been charged the sweet cream or Scale N rates, during the period in which the order was in effect. From Mr. Prevey's evidence, it is reasonable to assume that he has never paid the proper rate on sweet cream shipments.

"While we believe that our interpretation of the board's order is reasonable and that the complainants are not entitled to any rebate on the traffic moving during the period in which the order referred to was in effect, we feel that if there is to be any reaccounting between the applicants and the express company, the board should require the applicants to take into consideration the undercharges on the shipments moving previous to that period."

In dealing with the complaint of the applicant, what is before the board is a request for a declaration as to what is provided for in the tariff as to the reduction to be made in the rate when a delivery service is not performed. It appears proper to give such a declaratory ruling.

"The respondent requests the board to require the applicants to take into consideration undercharges which it alleges existed, reference to which has already been made in the extract from the letter from the express company already quoted. But the obligation is on the express company to collect in accordance with the tolls in its tariffs legally published and in force. Section 344 of the Railway Act sets out the proper procedure where there is a refusal or neglect, in whole or in part, to pay lawful tolls on demand. Such being the case, the necessity or usefulness of a direction in the matter from the board does not appear.

Chief Commissioner Drayton, Assistant Chief Commissioner Scott, and Commissioner Goodeve concurred.

G.T.R. v. HAMILTON RADIAL ELECTRIC RY. CO.

Judgment, Chief Commissioner Drayton, May 23, 1914:

The tracks of these two companies were connected with the approval of the board at a point at or near Burlington.

The interchange track becoming congested, the board's operating department recommended that the interchange track be lengthened to accommodate from 10 to 15 cars. The question arose between the two companies as to which should pay for the track extension. To make the extension it was necessary to use Grand Trunk property and it was urged that this therefore was a sufficient contribution to the cost by that company and that all the charges of construction should be borne by the Hamilton Radial.

Held that the extended trackage added largely to the Grand Trunk's facilities at that point and that a fair disposition of the matter would be that each company should bear one-half the cost.

Commissioner Goodeve concurred.

Ordered accordingly.

## SESSIONAL PAPER No. 20c

APPLICATION OF B. SHRAGGE, OF WINNIPEG, MAN., FOR AN ORDER DIRECTING THE CANADIAN PACIFIC RAILWAY COMPANY TO CONSTRUCT A SPUR TO SERVE THE APPLICANT'S WAREHOUSE IN THE CITY OF WINNIPEG, MAN.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, May 26, 1914:

An order will be made for the construction of an industrial spur across the street—subject to conditions, which conditions will apply generally to industrial tracks in Winnipeg, unless the companies can hereafter convince the board that a change should be made.

Those conditions are:

1. That the railway company will indemnify the city corporation against any loss or damage, costs or expenses, that the city may be put to or suffer in any way by reason of neglect or default of the company.

1st—in the construction of the spur.

2nd—in the operation of the spur.

3rd—in the maintenance of the spur, such as lack of repairs, etc.

By way of explanation under the last head, I may say that the company must maintain the spur at a proper level with the street where crossed, so as not to impede traffic at any time; must observe the general provisions of the Railway Act as to highway crossings—that the spur be kept at a height, as I recollect it, of not more than an inch above the immediate travelled portion of the road; and must maintain, not only the rails, but also the highway within the rails and for a distance of 18 inches from the outside of the rails on each side. That, after thirty days' notice, the company will, unless otherwise directed by the board, remove the spur and restore the highway to its original condition; the notice requiring removal of the spur to be given under the city's seal, and to become operative and binding in ten days from the date of delivery to the railway company, unless the company, within the said ten days, applies to the board for leave to continue the spur.

There has been a very great deal of unnecessary friction in connection with these spurs. I do not think that the city has any real idea of stopping industrial development one way or the other; but it is time for a clear understanding.

The board some years ago reviewed the Holstein order that Mr. Hunt speaks of. Under that order the municipality might tear up tracks; but my predecessors in office, very wisely, decided that the municipalities of the country should not be allowed to tear up railway tracks, and that the only body which keeps any record of them should be charged with that responsibility. The practice of the board has since been to reserve to municipalities desiring the right to remove tracks, in the original order authorizing the spur the right to apply to the board for its removal; and all the difficulty that has arisen in connection with industrial spurs in Winnipeg has practically hinged upon that point; the question has been whether or not these things were to be done decently and in order by the tribunal charged with that duty to the public.

The terms I now suggest, give to the municipality a great control. In effect it means this: the municipality in giving notice—which is to be a considered action by the municipality as such—may demand that the spur be removed. Such notice will become operative, unless there are reasons why it should not; and, if the company thinks it can show that the said notice should not become operative, it may at once apply to the board to stay the effect of the notice given.

The application, instead of being an application by the municipality with the onus on the municipality, becomes an application by the company to continue its use of the city streets; and this method of procedure places the matter in, as we think, a very safe and reasonable position,—reserving to the municipality every interest that can be thought of.

Order issued in accordance with the judgment.



6 GEORGE V, A. 1916

COMPLAINT OF G. T. ROGERS, OF COLEVILLE, SASK., RELATIVE TO AN ALLEGED OVERCHARGE BY THE CANADIAN PACIFIC RAILWAY COMPANY, ON A CAR OF SETTLER'S EFFECTS FROM BROOMHILL, MAN., TO COLEVILLE, SASK.

Oral judgment delivered by Chief Commissioner DRAYTON, at the close of the hearing, May 28, 1914:—

The board, as I have said, has no jurisdiction to order refunds. If it had such jurisdiction, I would order a refund in this case.

It is quite clear that the duty of railway companies is to bill by the shortest and cheapest route, irrespective of the hauls which may inure to one company or the other, or the point of transfer, or the relative profit to be made as the result of hauling by either line. Whatever the most direct and the cheapest point of transfer is, that point of transfer should be taken. While that is the duty of the railway company, there is no doubt that the shipper has the option of throwing away as much money as he wants to throw away—that is the shipper's privilege just the same as it is the privilege of anybody else. But, as a rule, the shipper knows nothing about the cheapest route; he certainly knew nothing about the cheapest route in this case, and he was not told by the shipping clerk, who should have known the proper rate and the saving which could be effected.

Apparently from the statement read to-day by the clerk, the shipper protested against the large charge asked, which would appear to be \$102.80 on the car. It is not stated in the written document read—at least, if it was I do not recollect it—as to what the exact amount for the whole movement would be when worked out in dollars and cents. As I recollect it, merely a rate per hundred pounds was quoted. If the exact amount had been given, it is quite clear it would have been on the basis of \$102.80, because that is the amount the company came here to argue for to-day.

Now, that was an improper rate. It was not the legal rate; it was not the rate which could be got upon the shortest and most direct haul. The rate should have been \$77. Then, the statement says the shipper asked to have the shipment made to Biggar, where he was advised he could get a \$60 rate on the car. So far as the information before him at that time was concerned, he knew that he could send the car to Biggar for \$60; and, had he known that it would cost \$102.80 to send it to Coleville, as billed by the Canadian Pacific Railway clerk or agent, there is not much doubt as to what he would have done. Further, I do not think that there is any ground for question as to what Biggar he thought was referred to,—that it was the Grand Trunk Pacific Biggar, from which he could get his transfer easily and quickly via the Grand Trunk line to Coleville; and doubtless he thought he was making the best and cheapest arrangement, while he had no proper information as to the rate,—information such as the clerk should have furnished. The shipper was not told that by the Canadian Pacific Railway billing it would cost him \$35 more than was necessary; and, if the facts had been given to him, he certainly would not have asked to have the car shipped as it was billed by the Canadian Pacific Railway clerk or agent.

I am dealing with the matter entirely from the company's standpoint. I am not dealing with it from the standpoint of the shipper, who denies these instructions. On the broad general issue, it is the business of the companies and not of shippers to inform themselves as to rates; and when a farmer goes to the railway company and gets quotations as to rates from one point to another point, that farmer has the right to get the lowest rate that is available for the movement. He did not get it.

Sanction is hereby given for the refund in this case, which is all we can do.

Mr. DREW: On the basis of the published rate?

The CHIEF COMMISSIONER: On the basis of the published rate, which is \$77.

## SESSIONAL PAPER No 20c

COMPLAINT OF THE COWICHAN RATEPAYERS' ASSOCIATION, ON BEHALF OF ADAM GORDON OF HILLBROOK, B.C., RELATIVE TO ALLEGED INADEQUATE CULVERT ON HIS PROPERTY ON THE LINE OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY (CANADIAN PACIFIC RAILWAY).

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, June 8, 1914:

The company's answer as filed rests entirely on the ground that the original drainage was properly and sufficiently looked after. Surface drainage was supplied. That surface drainage was the only thing necessary at that time. The works, Mr. Gordon, the applicant, now wants are for the purpose of improving his property. There is a local Act in which it is provided that proceedings may be taken; that is quite obvious from a perusal of the Act—proceedings may be taken for the purpose of securing drainage; and the assessment of the cost is by a betterment rate on the property to be benefited under the local improvement system. By the said Act, section 251, a portion of the resultant expense is placed upon the railway company.

The estimate of the engineer is that the lowering of the culvert three feet, with the necessary digging and supplying of pipe, will cost \$250 or \$300. The railway company must do the work. If there is any dispute, plans showing the layout will have to be filed for examination and approval by an engineer of the board; and that engineer must see that the drainage will be adequate for the land at the south, in order that there may be no more trouble about the matter. The work must be commenced by the company within thirty days—how long does the company want to finish it?

Mr. McMULLEN: Thirty days.

The CHIEF COMMISSIONER: Very well. Commence the work within thirty days, get your pipe on the ground, and have the job completed within two months.

The cost will be distributed in this proportion: the company will be at the first expense; and, of the total amount—the \$250 or \$300, as the case may be—Mr. Gordon, the landowner, will contribute \$50.00.

Ordered accordingly.

COMPLAINT OF THE EASTERN TOWNSHIPS BRICK & MANUFACTURING COMPANY OF LENNOXVILLE, QUE., *Re* INTERSWITCHING.

Judgment, Commissioner S. J. McLEAN, June 19, 1914.

Complaint is made by the Eastern Townships Brick & Manufacturing Company of Lennoxville, Que., that the Boston and Maine Railway Company has refused to absorb the interswitching charge on coal received over its road to the plant of the applicant, which is located on the C.P.R. tracks within the interswitching limits at Lennoxville.

When the matter was brought to the attention of the Boston and Maine, it stated that its understanding was that the interswitching order applied only to Canadian traffic; and it developed that this railway had never given effect to the interswitching order by issuing a tariff applying to points in Canada. When the matter was brought to its attention, necessary steps were taken to make a tariff effective.

Prior to this being done, there had on January 20, 1914, been interswitched from the line of the Boston and Maine to the plant of the applicant at Lennoxville twenty-three cars of coal, on which there were switching charges of \$129.49. This represented the entire switching charge of the C.P.R. under the interswitching order. This was charged back against the Boston and Maine, which in turn collected it from the applicant.

The question before the board is as to whether the obligations of the interswitching tariff now operative are retroactive.

6 GEORGE V, A. 1916

The history as to the interswitching tariffs of the Canadian Pacific and of the Grand Trunk at Lennoxville and Sherbrooke is as follows:—

"Canadian Pacific C.R.C.E.-1234, on traffic between points in Canada, reductions and reissues effective September 1, 1908, advances September 10, 1908; on traffic to and from United States points, effective October 5, 1908. The C.P.R. have track connections with the B. & M. at Lennoxville.

"Grand Trunk tariff C.R.C.E.-1380, effective between points in Canada, September 1, 1908; between Canada and United States, October 1, 1908. The tariff reads at all stations in Canada where the G.T.R. have track connection. Track connection is made with B. & M. at Sherbrooke and Lennoxville."

The provisions of the interswitching order make it clear that where the inter-switching service is performed, it should be performed subject to the rates and divisions thereof contained in the order; and the order has been in effect since 1908. Notwithstanding the fact, then, that for the reasons above set out, the Boston and Maine had not an interswitching tariff in force till recently, the rates as set out in the interswitching order are the ones which were proper to charge at the date when the cars of coal in question were interswitched. Under the interswitching order, it is lawful for the contracting carrier to absorb the toll charged for the interswitching of competitive traffic. Subject, then, to the power of the board in the case of discrimination, it is in the discretion of the contracting carrier whether it shall treat the traffic as competitive or not; and on what is before it, the board is unable to make any direction that the traffic shall be treated as competitive, or that the interswitching toll shall in its entirety be absorbed. The provisions of section 4 of the interswitching order are clearly applicable, and under this section the amount which may be collected by the contracting carrier is "an additional toll of not more than 10 cents per ton for any distance not exceeding four miles, nor more than \$1.50 as the minimum and \$4.00 as the maximum per carload." To the extent that the sum of \$129.49 as charged by the Boston and Maine is in excess of the charge provided for the contracting carrier under section 4 of the order, the charge is illegal, and the difference should be refunded to the applicant.

Assistant Chief Commissioner Scott concurred.

AN APPLICATION OF THE BOARD OF TRADE OF STETTLE, ALTA., FOR AN ORDER DIRECTING THE CANADIAN PACIFIC AND THE CANADIAN NORTHERN RAILWAY COMPANIES TO PROVIDE AND CONSTRUCT A SUITABLE TRANSFER TRACK CONNECTING THEIR RAILWAYS WHERE THEY INTERSECT IN SECTION 4, TOWNSHIP 39, RANGE 19, WEST 4TH PURSUANT TO ORDER NO. 15084, DATED THE 11TH DAY OF SEPTEMBER, 1911.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing June 22, 1914:

The application in this case is for an interchange track between the Canadian Pacific and the Canadian Northern Companies at Stettler, Alta.

It is alleged in the petition that cars which have to be transferred from either line to the other cannot be transferred at Stettler, where the lines cross, but have to run out from the crossing to Lacombe, a distance of fifty miles; to Wetaskiwin, a distance of forty miles; or to Camrose, a distance of thirty miles; and then back to Stettler. It is said that the movement has actually taken that course.

As a matter of fact, as the town's representative very clearly points out, the traffic to the town originates at points farther distant from the town than the interchange tracks which already exist at other points. There are two interchange tracks between Calgary and Edmonton; an order has just been issued for the construction of one in Calgary; and it does not appear that there is any better reason for one at Stettler than at any other place on the line.



## SESSIONAL PAPER No. 20c

The same facts apply to the movement of goods outside the town, with the possible exception of flour from the local mill. Undoubtedly flour from the local mill would be delivered to points closer than the existing transfer tracks; and if there was a carload traffic delivered at points closer to Stettler than the existing transfer track, in so far as flour is concerned there would be some reason for ordering a transfer track at Stettler; but it is pointed out that the flour mill has no trackage accommodation at all; and, that being so, it would not be benefited by the transfer track asked for.

The real justification for the application, and probably the underlying and provoking cause of it, is the desire of Drumheller mines to sell coal at Stettler. The track would be used by that company, if they are right in their anticipation and can obtain access to the markets,—as they think they can if they get the transfer applied for.

There are other coal mines that serve those markets; but it is said by the Drumheller Company that its coal has better steaming qualities, and is urged that it should be allowed to enter this field. These representations and the request are endorsed by the municipality and by the Canadian Northern Railway Company.

The matter really narrows itself down to the question, should coal originating along the lines of the Canadian Pacific serve the territory opened up, or should Canadian Northern coal also have access to that territory.

There does not appear to be any public necessity for an ordinary transfer track at this point; but the Drumheller people seem confident as to their position, and I think we should do as was done by the board in a former case, where it was desired to erect a mill and make delivery of flour, mill-feed, etc., in a local territory within a distance which could not be reached by the nearest transfer point; that is, we should issue an order for the installation of an industrial spur at Stettler.

We think the Canadian Northern Railway Company should be authorized to construct the spur and to use such part of the Canadian Pacific Railway Company's property as is necessary to make a proper physical connection; and permission is hereby given to the Canadian Northern Railway Company to proceed with the work, if it thinks proper to do so; and, before the work is begun, the Drumheller Company shall deposit in a chartered bank the sum of two thousand dollars; and the whole of the said sum, or such portions of it as may be necessary, will be paid out to the Canadian Northern Railway for the construction of the spur hereby authorized. The right-of-way to be arranged between the two railway companies; and, if any difficulty arises in connection therewith, the point or points in dispute will be settled by the board.

This disposition of the case does not require the Canadian Pacific to pay anything for a construction which, if used, only takes business from that company; it simply gives the mining company permission to have the work done at its own expense.

In case the mining company is right and the traffic is there, it will not lose anything, as the order will provide that the Canadian Northern Railway Company shall rebate to the mining company the sum of \$2 per car, until the money advanced for the construction of the spur is all refunded.

Mr. WARREN: So ultimately, Mr. Chief Commissioner, the Canadian Northern pay it all.

The CHIEF COMMISSIONER: No. If you get business which you would not otherwise get, it is quite right that you should pay in proportion thereto.

Mr. WARREN: But this is not our application for a transfer.

The CHIEF COMMISSIONER: I know it is not. It is quite clear what the movement is for; it is for the mines and the town. You get the road haul on the coal from Drumheller; and the town wants to get the Drumheller coal in without the cost of a comparatively long haul.

Mr. WARREN: That is their application, not ours.

The CHIEF COMMISSIONER: Certainly, it is their application.

Mr. WARREN: But we lose just the same. It is heads they win, tails we lose.

6 GEORGE V, A. 1916

The CHIEF COMMISSIONER: No, Mr. Warren. What happens is this: you are going to get some traffic which you would not otherwise get. On this traffic you will pay a commission to the extent of the cost of the spur; and you will continue to get the traffic after you rebate the said cost.

Mr. WARREN: We should not rebate, Mr. Chief Commissioner.

The CHIEF COMMISSIONER: I do not know why you should not. I think you are really more interested in this than any one else.

Mr. WARREN: All right.

AN APPLICATION BY THE CANADIAN NORTHERN WESTERN RAILWAY COMPANY, UNDER SECTION 227, FOR AUTHORITY TO CONSTRUCT ITS LINE OF RAILWAY ACROSS THE MAIN LINE OF THE CANADIAN PACIFIC RAILWAY COMPANY IN THE CITY OF MEDICINE HAT, ALTA.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, June 23, 1914:

There is no doubt that, speaking generally, we should refuse to authorize grade crossings; but the time for universal refusal has not yet come. Many grade crossings have been allowed by the board; and, not a few have been authorized at the request of the Canadian Pacific Railway Company, at points no less dangerous than the proposed crossing in this case.

It may be that it would be possible—in fact I have no doubt it would be possible—to lift the tracks of the Canadian Northern as indicated by Mr. Sullivan. I am quite sure that any engineering work proposed or suggested by Mr. Sullivan would be feasible; and there is no question that the work could be done in the way he suggested. If, however, the work were done in that way, serious operating difficulties would undoubtedly arise.

The expense is, of course, a matter of minor importance compared with safety; but, with the elevated structure, under the layout of this city, the Canadian Northern would not, I think, be able to afford public facilities such a railway coming into the city should afford. It is quite true, as Mr. Sullivan says, that the mere fact of the town having agreed to a railway crossing over its streets at grade should not have anything to do with the question as to whether the Canadian Pacific line should be crossed or not. That is perfectly true. It is true, that so far as the board is concerned, it has to assume the responsibility of saying whether or not crossings shall be at grade. On the other hand, it is equally obvious that, from the standpoint of serving the public the railway should be brought in on the level, as the municipality desires, even at the expense of obstructing streets that may be affected.

The Canadian Pacific is entitled to the full use of its own right of way. The practice of the board is to regard the legal rights of the senior company. Mr. Sullivan says that, at this particular point, the Canadian Pacific contemplates double tracking, which means that a third line must be taken into account in the interlocking layout, as the three tracks will have to be protected. All the work will be done at the expense of the Canadian Northern, and the continued maintenance of the plant will also be at its expense. In operation, the trains of the Canadian Pacific have seniority. The plant will be operated by a watchman to be appointed by the Canadian Pacific and paid by the Canadian Northern.

A further stipulation is that the continuance of the crossing depends upon the observance of proper and fair conditions, one being that the Canadian Northern will not shunt over the crossing which is now allowed.

The board's engineer has gone over the layout; and, after careful consideration, has recommended the crossing at grade; and Mr. Spencer, the board's chief operating officer, concurs in the recommendation of our engineer.

The order, therefore, will go on the terms mentioned.

## SESSIONAL PAPER No. 20c

CONSIDERATION OF THE MATTER OF THE REQUEST OF THE CITY OF WINNIPEG, MAN., FOR THE CONSTRUCTION OF A SUBWAY ON TALBOT AVENUE, WINNIPEG, WHERE IT IS CROSSED BY THE TRACKS OF THE CANADIAN PACIFIC RAILWAY COMPANY.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, June 26, 1914.

In this case the city desires a subway on Talbot avenue, on the ground of alleged public danger, which undoubtedly always exists in degree at all level crossings; and, on the further ground that the city desires to have a street car line constructed across the line of the Canadian Pacific at its crossing over this avenue.

I have no doubt that in so far as the street railway movement is concerned a subway is the proper means of crossing. Undoubtedly the street cars will be required to build up that section of the city; and, whether or not matters are yet ripe for the extension, there is no question that, in the long run, street car facilities will have to be given to that part of the city.

The city now agrees with the railway company in its application. The railway company protested against the making of Talbot street a public highway only as far back as 1909. The original application was made by the city on July 31, 1908. Notice was served on the railway company; and Mr. Hunt, the same year, on August 13, wrote to the board that he had been advised by the Canadian Pacific Railway Company that it would not consent to the crossing being made. The case came up for hearing, and at the hearing the crossing was opposed by the company, with the result that the matter stood for the board to inspect the locality. I do not know whether the inspection took place or not, as there is nothing on the record to show.

Mr. HUNT: Yes, it did.

The CHIEF COMMISSIONER: But the protest of the railway company was overruled, the wishes of the city were acceded to and the street was opened. The city is to-day saying what the railway company then said. The company said the crossing would be dangerous; the city now says that it is dangerous and on that ground has made application for a subway.

The company being senior, under the ordinary rule the costs would all fall upon the municipality. It is, however, a rule which, as I stated to Mr. Hunt, never appealed to me. I have continued to think that there should be a fairer division in all cases, because very often the question of priority is entirely secondary to the question as to the subsequent development of the highway or railway traffic, as the case may be; and the subsequent development, creating, as it does, the necessity for protection, should be considered rather than the original priority. Doubtless I am wrong in entertaining this opinion, as I notice that my predecessors have all taken the contrary view.

The number of railway movements on the one hand and the street traffic on the other hand very largely govern issues of this kind and determine the necessity for protection and its degree. I shall not use the railway figures in this case; I am simply going to take the city figures. It has been said by a civic representative that the traffic is much greater than it was—that the railway user is increasing very much; but taking the only statistics which have been furnished, we find that the contrary is clearly the case.

We have from the city a statement of the company's use of the crossing by its trains for seven days in November, 1912; and these figures, as summarized by the city tabulators, show that in seven days of that year there was a total of 1,257 train movements across the avenue in question. Then, taking the present year, including even the little gas car—which inclusion, I think, is not at all fair—we find that the total of the railway movements across the avenue, during a like period of seven days was only 644. Now, this is not what the railway company says; it is what the city is saying. So it is idle to pretend that the railway danger is increasing as has been



alleged. The fact, as shown by the city's own figures, is that, for a given period, the railway movements amounting to 1,257 in 1912 have fallen off to 644 in 1914.

It may, however, be said that times are dull and that business has fallen off. I have no doubt there is something in that; and I think the train movement will increase to some extent during the grain season—not perhaps to such a large extent as it would be owing to the changes the company is making. But the facts remain—that a condition created by the city, which the company said would be dangerous, is to-day said by the city to be dangerous,—very dangerous according to some of its representatives; and that the railway use, instead of increasing and making a subway necessary at the present time, is actually decreasing.

There are many crossings protected by gates where the traffic is heavier than at this crossing; so we will not at present order the construction of a subway at this crossing; but we will permit it. If the city is willing to construct a subway at its own expense, it may do so; I say at its own expense, because of the railway company's priority of title, and for the other reasons advanced.

On the other hand, we must not overlook the fact that there is a stretch of territory on each side of these railway tracks in which territory there is a considerable number of crossings; and the question of danger is but one of degree. Some of those crossings have been described by the city's representatives themselves as absolutely useless; so I think it would be well for the city to go at once into the whole question of proper access to that neighbourhood, with the view of the possible closing of some crossings and the proper protection of others. It has been suggested that the Nairn crossing is not very far away—some 600 feet, and that it would be a waste of money to put in a subway on Talbot avenue and maintain Nairn as a grade crossing. Hence, if the municipality, in the interests of public safety as it sees it, takes up the whole question, and decides to close one of these streets, an order will go for the construction of a subway at a proper point, to be fixed; and, although the Canadian Pacific Railway shows by the figures that in this case the equities, as well as its title, are on its side,—the cost will be borne in equal proportions by the railway company and the city.

#### CONSIDERATION OF THE MATTER OF THE CONSTRUCTION OF A SUBWAY AT THE CROSSING OF THE CANADIAN PACIFIC RAILWAY COMPANY OVER SALTER STREET, WINNIPEG, MANITOBA.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, June 26, 1914:

The subway in question is a structure which subject to proper details, is sufficient to accommodate the traffic of the railway company. There will not be any unreasonable interference with the railway, nor any danger to the public travelling on it. It is recognized by the applicant that the subway is to be entirely a municipal improvement. I am not saying whether it will be an improvement or not; whether the money, in part or in whole, will be thrown away; but it is called a municipal improvement,—and that is really the ground for the application.

Therefore, as the subway is to be simply a municipal improvement, the applicant does not ask that an order be made against the railway company for a contribution towards the cost; and hence, so far as the railway company, over which we have immediate jurisdiction, is concerned, and the safety of the public travelling over the structure, there is no question which calls for action by the board. Both interests are looked after and protected.

Strong representations have been made to the board that this will be a waste of public money; and I am not going to express an opinion as to whether it is or not. It is alleged that the proposed subway, 900 feet long, will be of very little use; and again the board expresses no opinion. Whatever the merits of the case may be, the facts are briefly as follows: the ratepayers of Winnipeg are acting through their council,—their

## SESSIONAL PAPER No. 20c

representatives, appointed to deal with such questions. That council has supported the construction of this subway, and does support it. In addition to that, the ratepayers have had a further safeguard—an opportunity of expressing their views on the subject. A vote was taken; and it has been pointed out that of 30,000 ratepayers qualified to vote on the question, only 1,900—considerably less than ten per cent—voted in favour of the proposition, and that, as a result of our enabling order, a burden of \$1,250,000, perhaps a greater sum, will, at the instance of this very small faction of the ratepayers, be imposed upon the whole.

It seems to me that all this is the concern of the ratepayers and does not fall within the province of the board. We cannot interfere. It may be that the case is graver than most cases, as the amount of money is very large; but, in principle, the business of the board is to look after the interests of the travelling public, in so far as Dominion franchises are concerned, and the proper administration of them by Dominion companies. It is not our business to decide on the issue of municipal expediency, whether or not municipalities should make certain improvements. It is quite true that we could refuse this order; but to do so, we should have to proceed on a ground which is not open to us under any fair interpretation of the clauses relative to applications of this kind. In other words, the board cannot be looked upon as the guardian of municipalities in cases of this kind. In cases where the severance of grades has to be made by reason of questions involving matters of public safety, the issue is different. In such cases, we have immediate control, and we should exercise it; but in this case, the interests of the travelling public are not involved; and I think our duty is to give effect to the request of the municipality.

Detail plans will have to be submitted to the engineer of the railway company; and, in case of any dispute, the plans will be passed upon by the Board's Engineer.

As the application itself contemplates, the whole cost will be on the municipality; and the only bright thing about it is the evidence that Winnipeg has a great deal of money to spend in these matters, and will not be hampered by providing necessary protection for public safety at other points.

AN APPLICATION OF THE MANITOBA SAND AND GRAVEL COMPANY OF WINNIPEG, MAN., UNDER SECTIONS 315 AND 323, FOR AN ORDER DIRECTING THE GRAND TRUNK PACIFIC RAILWAY COMPANY TO AMEND ITS SPECIAL FREIGHT TARIFF C.R.C. NO. 279, DATED THE 21ST NOVEMBER, 1912, AS TO ITEM 10 ON PAGE 5, SO AS TO PROVIDE AN EQUITABLE RATE ON SAND AND GRAVEL FROM JIVIAN STATION, MANITOBA, TO THE CITY OF WINNIPEG, MAN.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, June 26, 1914:

The applicant company's position is that it cannot be sure that the fact of the rate charged by one company being lower than that charged by another company, constitutes discrimination rates to be discriminatory have to be charged by the same company in order to give rise to a *prima facie* case under the Act. The only thing to be done, is to show what a reasonable rate is; and that question is dealt with in the judgment on the Western Rates Case.

It is disposed of under the heading of Building and Paving Material:—

“Building and paving brick, stone, gravel, sand, and clay are provided with low mileage commodity tariffs in the east and in the west. In the west, slightly higher rates are charged by the Canadian Pacific in Saskatchewan and Alberta than in Manitoba and New Ontario, a difference not observed by the Canadian Northern, which carries the lower scale over its whole system. Both companies' scales are lower than those charged east of the lakes, except on dimension and coursing stone, the western rates on which are slightly over the eastern.”

Now, the relief given there, and the only relief which can be given, is the order in that connection, namely, that the companies divide their initial ten-mile group by

adding to the tariff one of the five miles at two cents per hundred pounds on brick, gravel, stone, and clay, and two and a half cents on dimension and coursing stone, with the result that the minimum charges will be as stated, in place of the higher rates.

In as much as the Board found, after a long and exhaustive inquiry, that the rates on sand in the west were not unreasonable—that the western rates on this commodity were lower than the eastern rates, it did not seem that there was any room for interference by the Board.

Here one company has put in a rate which is lower than that of another company. No doubt it has done so for the purposes of its own business; and its rate may possibly be an experimental one; but the mere fact that, for a given service, one company has voluntarily put in a rate which is lower than that of another company, would not justify the Board in ordering another company to put in the same rate.

The application is dismissed.

A COMPLAINT OF THE CITY OF FORT WILLIAM, ONT., AND PROPERTY OWNERS, RELATIVE TO THE  
CONDITION OF THE GRAND TRUNK PACIFIC RAILWAY ON EMPIRE AVENUE, FORT WILLIAM,  
ONT.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, June 27, 1914:—

I do not know why it is, but I do know that this matter is in a very unsatisfactory shape.

The initial mistake consisted in allowing the railway company to construct along the highway in question, without the property owners on that highway, or at least a majority of them, having been parties to the construction. I am not quite sure whether Mr. Peltier was in the council at the time or not; but I am quite sure that the city's business was properly looked after. What then operated on the minds of the councillors no doubt was the benefit which would likely accrue to the people of Fort William as a whole,—a praiseworthy object, but one which would not for a minute justify the council in injuring the property owners on Empire avenue; and, also the fact, or perhaps I should not say the fact but the anticipation, that the laying of the company's tracks on Empire avenue would add to the value of the property on that avenue by making it directly available for industrial sites. That may or may not be so. There is one thing, however, which invariably occurs,—that is, that whenever railways are built on highways, we are sure to have the sort of mix-up that appears here to-day.

In this instance, the whole matter has direct reference to the agreement. The property owners are bound by their representatives, subject to whatever the board could do for them. The board gave them the right to arbitrate their claims in all cases in which they thought they were damaged, thus enabling them to obtain fair and proper compensation for all real damages under the statutes relating to arbitration. It is true that property owners who have subsequently purchased cannot get the benefit of this provision; but that is scarcely a hardship, as they have bought with their eyes wide open, knowing that the railway was there; and, in view of what the board has already done, as stated above, it cannot properly be said to be a hardship on the original property owners. If they have not taken advantage of the right to arbitrate, with a view to compensation, the fault is their own.

There is only one other thing the board can do. By an amending order, the provisions of the highway sections can be made to apply. What I mean is this. By the section of the Act dealing with highway crossings, the railway company is made responsible for maintaining the highway at crossings over its tracks. The result is that this railway company is under obligation to maintain, not only its rails, but also that part of the highway which it occupies, so that it is safe for vehicular traffic. In some instances, the company has failed to do this part of its duty.



## SESSIONAL PAPER No. 20c

Hence the direction of the board is to the engineer to make a further inspection of this line, to find out what is necessary to be done, in order to bring the condition of the railway structure on Empire avenue and the crossings thereon up to the standard required for highway crossings. Copies of the reports will be sent to the parties, and action will be taken thereafter.

APPLICATION OF THE COUNTY OF WELLAND TO RESCIND ORDER 20134, AUTHORIZING THE TORONTO, HAMILTON AND BUFFALO RAILWAY COMPANY TO DIVERT FOUR HIGHWAYS.

Judgment, Assistant Chief Commissioner SCOTT, July 2, 1914:

By Order of the Board No. 20134, dated the 16th August, 1913, the Railway Company was authorized to divert certain highways. At the hearing the township of Pelham was heard; and, after considering what was submitted, the board issued the order in question. It now appears, that in the case of one of the highways—the one between lot 5 in concession 12, and lot 5 in concession 13, township of Pelham—that the proper municipal body having jurisdiction over the highway, the county of Welland was not notified. That highway is a county road and it is proper that as the county was not notified of the sittings and no representations from it were considered by the board before the order was issued, that the order in so far as it affects that highway, which is commonly called "Sutton's Crossing," should be reconsidered.

As far as the other three diversions are concerned, while I do not agree with the decision the board came to, it must be recognized that as the proper parties were heard before the order was issued; and, as there are no new facts submitted to warrant the board in varying its decision, that the matter should be considered closed and the application in so far as it affects these three diversions, dismissed.

In so far as the Sutton Crossing is concerned, it is submitted by the county that the highway running east and west, which the Railway Company desire to close, is more important than the highway running north and south, which the Railway Company left open. I think the order in so far as it affects this highway should be cancelled; and, that the Railway Company be permitted to put in a right angle crossing of the highway over the railway at the point where the road running east and west crosses the railway; and, that the less important highway—that running north and south—be left as it is. Or, if the Railway Company wishes, that it also be made a right angle crossing.

If the Railway Company thinks that a connecting link between the north and the south road and the east and west road north of the railway is desirable, so as to enable people to go from one highway to the other, without crossing the track at all, it should be permitted to build such a diversion; and, be authorized to take, without the consent of the owner, the land necessary for its construction.

Judgment, Mr. Commissioner McLEAN, July 23, 1914:

By Order 21400 of February 10, 1914, Order 20134 of August 16, 1913, was rescinded as to the diversion of a highway as provided for between lot 5, concession 12, and lot 5, concession 13, in the township of Pelham. By the latter order the highway running east and west was diverted north of the railway into the highway running north and south, and the crossing of the railway on the line of the east and west highway was closed. By the former order, provision was made for a diversion north of the track, the closing of the crossings of both highways over the line of railway, and the opening of a new right-angle crossing; all of this being as shown on plan "A" attached to the order in question.

The reason for the rehearing is set out in the memorandum of the Assistant Chief Commissioner. Aside from the correction as to the proper parties to be notified, no new facts were brought forward which would, in my opinion, justify a departure from the disposition made by Order 21400.

Judgment, Mr. Commissioner GOODEVE:

6 GEORGE V, A. 1916

I think Order No. 21400, by closing one crossing and making the other at right angles, has greatly improved the safety of the public. I therefore agree with Commissioner McLean.

COMPLAINT OF THE VILLAGE OF FERGUS, ONTARIO, AGAINST THE INCREASED CHARGE FOR SWITCHING CARS MADE BY THE GRAND TRUNK RAILWAY COMPANY OF CANADA TO AND FROM THE INDUSTRIAL SPUR OR BRANCH LINE IN THE VILLAGE OF FERGUS, ONTARIO.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing, Toronto, July 3, 1914:

An agreement was made between the Grand Trunk Railway Company and the Corporation of the village of Fergus, dated the 3rd of December, 1913, giving certain privileges to the railway company on certain conditions. One of the conditions in the agreement was that the interswitching at Fergus should be done for a charge of \$3 a car.

That condition of the agreement was complied with by the Grand Trunk until March last, when, for some reason, they started to follow the General Interswitching Order of the Board. That is Order No. 4988 of the 8th of July, 1908.

The opinion of the Board is that the agreement should govern the particular conditions at Fergus. It was not the intention of the Board in passing the General Order to make it apply to a case of this kind which had been specially provided for in an agreement. The Board has already decided that, where the special circumstances warranted, as at London, a special order relating to interswitching should remain in effect and that the general order should not apply.

This is a somewhat analagous case, except that this is even stronger, because this is the case of an agreement, and we are of the opinion that this \$3 charge was a condition in the agreement which binds the railway company.

Is it your desire, Mr. Guthrie, that an order should go declaring that the \$3 rate is effective during the continuation of this agreement? Or is this intimation of the Board sufficient?

MR. GUTHRIE: I think an order should go to that effect.

THE ASSISTANT CHIEF COMMISSIONER: The order would be during the life of the agreement. If the Grand Trunk exercises its right under Clause 8 and cancels the agreement, then the General Order would become effective.

MR. CHISHOLM: I suppose if the Board is going to give an order in that direction, that probably the proper order would be just to cancel the tariff that we have made there. It may not be objectionable under certain circumstances; but I think it is not usual for the Board to make a declaratory order.

THE ASSISTANT CHIEF COMMISSIONER: Yes. Well, we will issue an order cancelling that rate.

APPLICATION BY A RAILWAY COMPANY UNDER THE JURISDICTION OF THE BOARD, REQUESTING THE BOARD TO TAKE ACTION AGAINST A CONDUCTOR OF THE RAILWAY COMPANY.

Judgment, Chief Commissioner DRAYTON, July 4, 1914:

In the matter of A B, an application has been made by a railway company under the jurisdiction of the board, requesting the board to take action against a conductor of the railway company.

It appears that the conductor has been in the habit of refusing to give farmers and others empty cars in which to load their produce or merchandise, unless the applicant pays either directly or, as alleged, through the agent of a local lumber company, a sum of money usually amounting to \$5 per car, although in some instances less.

The company relies on the provisions of the Railway Act in making its request, and in particular on the following section (317):—

## SESSIONAL PAPER No. 20c

"3. No company shall,—

"(a) Make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

"(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company;

"(c) subject any particular person, or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever;

"427. Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such company, that does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders or directions of the Governor in Council, or of the minister, or of the board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company, or person, shall, if no other penalty is provided in this or the Special Act for any such act or omission, be liable for each such offence to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable.

"2. Such company, director, officer, receiver, trustee, lessee, agent, or person shall also, in any case, in addition to any such penalty, be liable to any person injured by any such act or omission for the full amount of damages sustained thereby.

"431.

"3. Whenever the board shall have reasonable ground for belief that any company, or any person or corporation is violating or has violated any of the provisions of this Act, in respect of which violation a penalty may be imposed under this Act, the board may request the Attorney-General of Canada to institute and prosecute proceedings, on behalf of His Majesty, against such company or person for the imposition and recovery of the penalty provided under this Act for such violation, or the board may cause an information to be filed in the name of the Attorney-General of Canada for the imposition and recovery of such penalty."

The company claims that action by the board would have greater effect on other employees of the company than if proceedings were commenced and carried on by the railway company; and that, if the company itself took proceedings, all other conductors would stand together and make a personal fight against the railway company; while, if proceedings were taken by the board or the Attorney General, this ill-feeling would not be engendered.

The sections relied on by the company in support of the application undoubtedly can, in form, be said to cover the case of a conductor or other subordinate employee of the company; and, if no other remedy existed, it might possibly be the duty of the board, proceeding in the public interest, to take the action requested by the railway company.

It seems to me, however, that the sections are very much more applicable to proceedings against the company or its executive officers than against subordinate employees; and it is not in the best interests of railway administration for the board to interfere with proper disciplining by the company of employees at fault. Generally speaking, that is a matter entirely for the companies. If the board attempts to discipline the companies' employees in one case, there is no reason why it should not in others—with the result that the responsibility for disciplining railway employees would in part be removed from the companies (where it properly belongs) and be



6 GEORGE V, A. 1916

placed upon the board. I think the board should not interfere, unless where it considers that there has been a failure on the part of a company to administer such discipline as the public safety demands.

The fraud complained of is, however, a particularly contemptible one. The farmers should and must be protected from such practices—practices which can and should, I think, be treated as criminal offences.

In my view, the remedy for the evil is easy. A very much better result, and one which will insure protection to shippers, can be obtained by the adoption of criminal proceedings under the provisions of the Act passed to prevent the payment or acceptance of illicit or secret commissions, and other like practices (8-9 Ed. VII, chap. 33). Section 3 and subsection (a) of this Act provide as follows:—

“3. Every one is guilty of an offence and liable, upon conviction on indictment, to two years’ imprisonment, or to a fine not exceeding two thousand five hundred dollars, or to both, and, upon summary conviction, to imprisonment for six months, with or without hard labour, or to a fine not exceeding one hundred dollars, or to both, who,—

(a) being an agent, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act relating to his principal’s affairs or business, or for showing or forbearing to show favour or disfavour to any person with relation to his principal’s affairs or business.”

The administration and enforcement of this Act lies in the hands of the local Crown Attorney, subject, of course, to the direction of his Attorney General; and the particulars of the present case will, in the public interest, be placed in the hands of the proper Crown authorities.

Concurred in by Assistant Chief Commissioner Scott.

#### STANDARD RAILWAY FENCES.

Judgment, Chief Commissioner DRAYTON, July 4, 1914:

The engineering department has drawn to the board’s attention the fact that the different railway companies use different fences. For example, the Grand Trunk Pacific uses a five-wire fence with a board on top; the Grand Trunk Railway Company uses a ten-wire fence; the Canadian Pacific uses a five-wire fence to stop cattle and horses only, and a seven-wire fence on smooth or level ground with the bottom wire six inches from the ground; while the Canadian Northern uses a seven-wire fence.

The question of the adoption of a standard fence was brought to the attention of the railway companies during the recent western trip of the board. No representations have, however, been filed by the railway companies.

I am of the opinion that it is inadvisable for the board to prescribe any standard fence. The statutory obligation of the company to my mind form sufficient protection to the public. The obligation thrown on the railway companies is to provide such a fence as will be sufficient to prevent cattle and other animals from getting on the railway. This includes (with the exception, of course, of poultry), all the farmers’ stock. If the board were to order the adoption of any particular standard, it might well be that, in some instances, that standard would not be sufficient, and in others would be unduly onerous.

Leaving the matter as the statute leaves it, the responsibility of the railway company in each case is clear—the fences must be sufficient to stop live stock from getting on the railway track.

Assistant Chief Commissioner Scott and Commissioners McLean and Goodenave concurred.

## SESSIONAL PAPER No. 20c

*Re C. L. O. & W. BUSINESS SPUR, TRENTON, ONTARIO.*

Judgment, Assistant Chief Commissioner SCOTT, July 8, 1914:

There have been several hearings before the board with reference to the business spur which the Campbellford, Lake Ontario and Western Railway Company desire to construct at Trenton; and, some of the commissioners—including myself—have been at Trenton and walked over the ground.

Originally the railway company desired to have its spur come off the southern side of its main line and run in a south easterly direction down Ontario street; and, an agreement was made with the municipality whereby the latter were to close certain streets to facilitate the construction of that spur; but, upon investigation we found that the spur would run through the property of the Canada Creosoting Company and so destroy the plant of that concern as to practically put it out of business.

It was then arranged that the spur was to leave the main line on the north side and run around in a semicircle passing underneath the main line and down Ontario street as shown on the plans now before us for approval. This new line would necessitate the closing of a great number of streets—only a few of which are open, and a number of which I am satisfied never would be open.

The board recently issued Order No. 22058 of the 25th June last approving of the crossings of all these highways whether they are open or not. The railway company came before us at the Toronto sittings and stated that it would not go on with this spur unless arrangements were made for the closing of a number of the highway crossings so as to reduce the cost of construction and minimize the chances of accidents at highway crossings after the line was opened for traffic. Notwithstanding the fact that the town will be greatly benefited by the construction of this business spur, and had already agreed with the railway company to close certain streets, had the spur as originally located been approved by the board, it now takes the stand that it will not consent to the closing of any streets unless it is protected from claims of owners of adjoining lands. I do not think such claims, if any, could amount to much, as most of the streets are not now open and the territory is undeveloped and unoccupied.

In order to help this matter along, I think the board might intervene and decide that certain highways should be diverted so as to allow for the closing of a number of the highway crossings.

I therefore think an order may go repealing the order of the 27th June last—No. 22058—and providing for level crossings of the proposed spur from the point where it leaves the main line to the point where it passes underneath the main line over Marmora street; and, from Sophia street at the two points where the spur crosses that street. Then the following highways should be closed and diverted; Bocare crossing should be closed and the street diverted into Sophia street; Eugenia crossing should be closed and the street diverted into Louisa street; Louisa street should be closed and a diversion made into Sophia street; Elizabeth street should be closed at both points where it is crossed by the spur and the diversion be made into Marmora street; and Leopold street crossing should be closed, and diverted by way of Elizabeth street into Marmora street. These street crossings will, I think, amply serve the territory affected. It provides for Marmora street running through at right angles to the main line. It is now open and has a subway underneath the main line; and the two crossings of Sophia street being left open will provide for a through highway parallel to the main line.

There should be a condition attached to the closing and diverting of these highways, that the land owners of adjoining property should be compensated for damage, if any, that they may suffer because of such closing. We have no power to put any of that on the municipality, and therefore the damages, if any, would have to be paid by the Canadian Pacific Railway Company. I do think, however, that in view of the agreement the municipality entered into with the railway company, that the municipality might well assist the railway company to some extent in this matter.

I think an order should go as I have suggested.

Commissioner McLean concurred.

No proceedings having been taken by the railway company, order issued rescinding Orders Nos. 22053 and 22234; and authorizing the applicant company to construct, maintain, and operate its Trenton business spur across certain streets in the town of Trenton; owners of adjoining property to be compensated for the damage, if any, which they may suffer by reason of the closing of some of the streets.

MASSEY-HARRIS COMPANY, ET AL, V. CANADIAN NORTHERN AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

Judgment, Chief Commissioner DRAYTON, July 8, 1914:

This is an application made by the Massey-Harris Company, The Edmonton City Dairy, Limited, Knight and Forst, The Standard Plumbing and Heating Company, Limited, and Andrew Lee, for an order requiring either the Canadian Northern or the Grand Trunk Pacific Railway Company, under the provisions of section 226 of the Railway Act, to provide and construct suitable spur tracks from the companies' main line, in the city of Edmonton, along the lane in blocks 5 and 6, Hudson Bay reserve, as far as Athabaska avenue.

The application is one which brings into question railway facilities for what is termed the industrial area lying to the west of First street and south of McKenzie avenue.

The area affected by the principle on which the present application will be dealt with extends from Tenth street to First avenue, the Canadian Pacific's freight sheds and yards being situate on the block between Tenth and Eleventh streets.

The district has been in part supplied with industrial spurs there being spurs on the north parts of blocks 7, 8 and 9 to the west, and, according to the plan submitted, spurs are built to accommodate blocks 3 and 4 to the east.

The application has been heard more than once, although there was no occasion for its being listed the second time; but as the directions of the board apparently were not understood, it is advisable to again deal with the matter.

The applicants desire that the spurs should run directly down the lanes and without cutting through any lands on the sub-divisions.

The railway companies opposed the application on the grounds that the traffic had assumed such proportions that the existing freight sheds were insufficient; and that, with a view of increasing local facilities, it was necessary to build new sheds running from the lane on block 7 to a point east of the lane on block 4. The effect of this construction would, of course, prevent spurs being run off the Canadian Northern's track as was done in the case of the spurs constructed in blocks 7, 8 and 9.

The district is a district which, as already intimated by the board at a former hearing, should get the benefit of industrial spurs. The construction of these spurs, indeed, is necessary for the proper development of the district. Without them, the whole scheme of development of the district must fail—at least to a large extent.

The board's engineers have made a special study of the situation with a view of getting trackage to the properties interested in such a manner as to involve as small an occupation of private property as possible. The results obtained are shown on the plans on file with the board, a blue print of which is attached hereto and will be sent to each of the parties.

As already intimated, this construction may be had. The different parties applying are entitled to get it; but, as before stated, they are only entitled to get it on providing a right-of-way free of cost to whichever company may be elected to do the work.

It was pointed out to the property owners that their interests were entirely common, and that, under such circumstances, it should not be very difficult to bring about such an arrangement of the local interests as would enable construction to proceed.



SESSIONAL PAPER No. 20c

The construction is entirely for the benefit of the property owners. The railway companies not only do not want it, but oppose the application; and if the property owners still desire to obtain the spurs, an order will go for the work just as soon as the right-of-way is provided; or in case the property owners find that they cannot obtain the right-of-way by agreement, just so soon as they pay into court a sum of money which the Engineer of the Board will certify as necessary to enable the railway company to obtain it under expropriation proceedings.

Commissioner Goodeve concurred.

*Re* CERTAIN FARM CROSSINGS.

Judgment, Mr. Commissioner McLEAN, July 8, 1914:

Application is made for an order directing the Canadian Pacific railway to reopen farm crossings on the properties of Mrs. Adam Hillhouse, E. Hume, and E. I. Booth. The farms in question are located in the province of Quebec, near Foster Station, where the Canadian Pacific branch line to Knowlton joins the main line from St. John.

The farm crossings in question, which date back to the construction of that portion of the Canadian Pacific system which was built under the charter of the Atlantic and North West railway, were closed by the Canadian Pacific on January 8, 1914. The railway claims to be within its rights in so acting, as it states that in each instance the property is owned by different parties on each side of the railway.

Under Section 252 of the Railway Act, every railway is required to make crossings "for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes." This obligation, however, came into the Railway Act only in 1888. Prior to that date, there was no right to a farm crossing unless it was specifically covered in the conveyance from the landowner to the railway. The railway in question was built at a time when the law was as above set out. The question of the rights, if any, of the present landowners to a reservation of the farm crossings as a matter of right relates itself to the reservations made at the time of the construction of the railway. It is stated that there were reservations as to farm crossings, and that these crossings were long enjoyed.

There have been a considerable number of transfers in connection with the properties in question. It is not necessary to trace the chain of title from the time the railway was constructed. There have been placed before the board copies of the deeds from Charles H. Young to Adam Hillhouse, dated respectively November 27, 1891, and May 21, 1894. In neither of these deeds is there a reservation as to a right of crossing over the railway. In the deed from Gitty to Booth, dated January 8, 1913, there is no reservation of a crossing. Whatever be the effect of reservation, it is sufficient to say, at this juncture, that in the absence of words bearing explicitly on it, cannot be assumed to exist simply because a predecessor in title enjoyed such a right of crossing.

In *Midland Railway Co. v. Gribble*, 2 Ch. Div., pp. 129 and 827, there was considered a state of facts which bears on the present application in so far as the two cases above referred to are concerned. Under Section 68 of the Railway Clauses Act, 1845, provision was made *inter alia* that the company should make and maintain "... passages over, under, or by the sides of ... the railway as shall be necessary for the purposes of making good any interruptions caused by the railway to the use of the roads through which the railway shall be made." Here there was, in contradistinction from the situation in Canada prior to 1888, a statutory obligation as to farm crossings. In the case in question, the situation was that a line of railway was built through the land of one Raynsford, and in pursuance of the provision in the Railway Clauses Act, already referred to, a level crossing was provided. The conveyance to the company

reserved a right of way over it to Raynsford and his successors in title, and the company covenanted to maintain it. Afterwards Raynsford sold and conveyed his land on one side of the railway to one Plowman, not mentioning the crossing and not giving Plowman any right of way over the land retained, nor reserving any right of way over the land sold. Afterwards the land retained by Raynsford was sold to Gribble, who insisted on his right to use the crossing. It was held by the Court of Appeal that the right to the crossing was finally abandoned by the conveyance to Plowman; that there was no right thereafter to use the crossing; and that the company was at liberty to stop it.

The situation in regard to Edward Hume is different. Under date of November 17, 1902, Lucie Chamberlain, widow of the late Charles H. Young, conveyed to Edward Hume the property in connection with which the question as to the farm crossing is now raised. In this deed there was a specific reservation of "the right-of-way across that part of said lot fourteen hundred and three lying north of the Atlantic and Northwest Railway Company's right-of-way, owned by the said seller. . . ." The deed also recites the obligation of the purchaser in connection with this right-of-way "to keep up at all times and to keep shut a good and substantial gate at the place of exit, on the highway from the piece across which the right-of-way is hereby granted." That is to say, there was reserved to the purchaser an exit from the farm crossing in existence over the lands of the vendor to the highway.

In the course of the decision in *Midland Railway Co. v. Gribble*, Lindley, Lord Justice, used the following language referring to the conveyance from Raynsford to Plowman:—

"He conveyed the land to Mr Plowman without granting him any right of way over the retained land and without reserving to himself any right-of-way over the land conveyed to Mr. Plowman; that is to say, he severed his land in such a way as to show conclusively that he never intended to use it there after. That appears to me to be a clear and distinct abandonment of his right of way over the railway."

From this language, it would appear that if Raynsford had reserved a right of way to Plowman, or had reserved a right of way across the land conveyed to Plowman, a different conclusion would have been arrived at.

In *Toronto, Hamilton & Buffalo R. W. Co. v. Simpson Brick Co.* 17 O. L. R., 632, a set of facts was dealt with which appears to be especially pertinent to Hume's case. When the railway was built, it traversed a piece of land which was the property of Noah S. Briggs and Charles S. Briggs as tenants in common. Simultaneously with the conveyance of the right of way through their property to the railway, they obtained an agreement from the railway for the construction of a farm crossing. Subsequently both properties were acquired by Maguire. Later, Maguire conveyed to Fanning the portion of the property north of the railway, granting him at the same time a right of way by way of exit to a highway over the land which the vendor owned south of the railway. Because of the facts which have thus been set out, it was held that there was no such severance as would involve the cessor of the right of crossing. It was pointed out in the decision that while in *Midland R. W. Co. v. Gribble* there had been no reservation in the present case " . . . there was the grant by Maguire to Fanning, as appurtenant to the land to the north which Fanning bought, of the right of way over the strip 30 feet wide leading from the railway crossing over Maguire's unsold land to Aberdeen avenue."

In Hume's case, I am of opinion that there is a legal right to the continuance of the farm crossing, and that it should forthwith be re-established.

As to the cases of Mrs. Hillhouse and Booth, no such legal right appears. The board is advised by its inspector that it is necessary that these parties should have farm crossings, if they are properly to enjoy their properties. Under these conditions, a

## SESSIONAL PAPER No. 20c

order should, I think, go, under section 253, as a matter of grace, the cost being on the applicants.

Concurred in by Assistant Chief Commissioner Scott.

INDEPENDENT TELEPHONE CO. *vs.* BELL TELEPHONE CO.

Judgment, Mr. Commissioner McLEAN, July 16, 1914:

By subsection 5 of section 4, 7-8 Edward VII, chap. 61, the board is empowered in such an application as is before us to make an order "upon such terms as to compensation as the board deems just and expedient." In section 5 of the Act, there are set out the sections of the Railway Act which apply in respect of telephone companies subject to the board's jurisdiction. It is recognized that in so far as telephonic communication is referred to, these sections may not in their entirety be applicable, for section 5 contains the qualifying words that these sections "in so far as reasonably applicable and not inconsistent with this part or the Special Act shall apply to the jurisdiction of the board and the exercise thereof . . . ."

The subject matter of subsection 5, so far as the present application is concerned, falls within the condition where there is an application by a company, province, municipality, or corporation not subject to the jurisdiction of the board—such applicant having authority to construct or operate a telephone system or line—to obtain a long distance connection with a telephone company subject to the board's jurisdiction. Since the scope of the board's jurisdiction, under the provisions of the Railway Act already referred to, is concerned with companies over which it has jurisdiction, it follows that under subsection 5 there arises a case where the sections in question are not applicable. Under such conditions, the board must find the measure of its power as well as of its responsibility in the subsections which specifically deal with an application such as the present.

The word "compensation" has been defined as—

"A recompense or reward for some loss, injury, or service, especially when it is given by statute."

American and English Cyclopedia of Law, vol. 6, 369. When used in a technical sense, the word "compensation" is concerned with damages. But it may have a wider significance, depending on the context.

The word as used in subsection 5 appears to me to have a very wide significance. It is true that the subsection recites—

"and the board may order the company to provide for such use, connection or communication, upon such terms as to compensation as the board deems just and expedient . . . ."

Those words by themselves might seem to imply that the compensation was "for such use, connection or communication." But if this construction was intended, then the use of the word "just," in connection with the terms to be fixed, would have been sufficient to define the scope of the board's power. The addition of the word "expedient" imports a wider discretion on the part of the board.

The latter part of subsection 5, which provides that the board "may order and direct how, when, where, and by whom, and upon what terms and conditions such use, connection, or communication shall be had, constructed, installed, operated, and maintained," is concerned with the physical conditions. Subsection 6, in dealing with standards of apparatus, provides that the board—

" . . . shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection, or communication applied for can, in the opinion of the board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of the company "



In any relief granted under a general order, the board has to be satisfied in each case that the provisions of the above subsection are complied with.

But the "injury" or "interference" herein referred to is an injury or interference with the company's business which may arise if improper appliances are used by the connecting company, thereby impeding the forwarding of telephonic communication and slowing up the business. That is to say, the injury or interference is physical. It is not concerned with any loss of business to the company subject to the board's jurisdiction, such loss being attributable to the fact that there has been an invasion by the independent company of a field hitherto occupied by the company subject to the board's jurisdiction, i.e. the Bell Company.

While subsection 6 is primarily concerned with the standards of apparatus and physical conditions to be considered, the opening words of the subsection are significant:—

"Upon any such application, the Board shall, in addition to any other consideration affecting the case. ...."

That is to say, under this subsection the board is under obligation to consider not only the factors concerned with physical conditions and standards of apparatus, but also all other considerations affecting the case. The physical conditions to be considered are defined. The scope of the other factors to be considered is left to the discretion of the Board.

As I read the sections, there is no question but that the word "compensation" as used in subsection 5 of section 4 has a wide significance, embracing not only payment for service but also compensation for loss. The obvious intention of the sections concerned is that in a field where the analogies to railway transportation are recognized by Parliament as imperfect, the board should have a wide discretion as to the factors to be considered in striking the compensation. In so striking the compensation, it is open to it to consider not only the compensation for service in connection with the long distance connection but also the effect of such connection upon the local service of the Bell Company. That the effect upon the local service of the Bell Company should be considered is, so far as the board is concerned, *res adjudicata*. It is true that the judgment of the late Chief Commissioner of May 10, 1911, which was implemented by the provisional order, was concerned with a limited period of time and a limited number of companies. But the limitation does not extend to the principle set out in his judgment, approved by a full section of the board; and which has not been overruled by the board.

In the annual payment made by each of the Bell Company subscribers, there is in reality included some contribution not only to the initial cost but also to the maintenance costs of the Bell long distance equipment. The Bell subscriber has, of course, when using the long distance lines to pay the long distance toll, whether he makes a call from his own house or place of business, or from a public pay station. But having the telephone either in his home or place of business renders him the convenience of being able to call up there as well as to be called there. In the Bell annual local service charge no particular part of the charge is earmarked for the long distance service; although the long distance is part of the general service which all the earnings assist in maintaining. Nor is it possible to differentiate in this respect between the one who uses long distance frequently and the one who seldom or never uses it. There is a flat annual local service charge.

It has already been indicated that the late Chief Commissioner Mabee held that interference with the business of the Bell Telephone Company was one factor to be considered. Without attempting to exhaust the factors which are worthy of consideration, those especially pertinent and additional to the one referred to by the late chief commissioner may be set out and dealt with analytically.

## SESSIONAL PAPER No. 20c

1. *The contribution towards initial and maintenance costs* which is contained in the annual payment of the Bell Telephone subscriber is a factor which is peculiar to the Bell subscriber and is not properly allocatable to the user of the independent telephone who may for the time being be using the Bell long distance equipment. In the case of the Bell subscriber there is a question of joint costs, some contribution to long distance costs being made by an actual user of local telephone service who is also an actual or a potential user of long distance service.

2. *The factor of convenience already referred to.*—This factor of convenience is one which is common both to the Bell subscriber and to the subscriber of the Independent company, who uses or may desire to use the long distance equipment of the Bell Company. A payment from the Independent company is justifiable as covering this factor. From the standpoint of accounting, it appears to be more satisfactory to cover it in a blanket rate, rather than in a charge allocated to each subscriber of the Independent company. Some of these subscribers may use long distance quite frequently; others not at all. But it does not appear feasible to treat the company other than as a unit.

3. *The service given.*—Here there is concerned a facility arising from the use of the long distance equipment which is more expensive in point, not only of initial cost but also of maintenance, than the ordinary local telephone equipment. There is given, when a connection is afforded, not only the use of an expensive facility, with the switching costs attaching to such business, but there is also given the facility of a wide area of long distance telephonic communication. That is to say, there is involved here not only the cost of the service but also the value of the service. It must be recognized that the opportunities for use are reciprocal, and that in the special charge added under this heading the independent company should, therefore, receive a proportion of the special charge as well.

In the payment to be made, it is impossible, unfortunately, to work the matter out with scientific accuracy. Such a basis has been sought for by the board but its experience in this regard has coincided with the experience of other regulative tribunals as to the impossibility of obtaining an exact basis. The board has before it experience tables of the companies covered by the provisional order. The rates to be struck may justifiably be such, as bearing this experience in mind, appear just and reasonable.

The payment to be made should be made up of two factors:—

First, there should be a company payment by way of compensation for loss to the Bell company, as well as for the factor of convenience to the independent subscriber, the significance of this having already been set out. The payment under this heading should be a flat payment per year, graded as follows:—

(1) Companies having not exceeding 250 subscribers, \$100.

(2) Companies having exceeding 250 subscribers and not exceeding 600 subscribers, \$200.

(3) Companies having exceeding 600 subscribers, \$300.

Second, there should be a payment for service in connection with the additional facility given. Here a special charge of 10 cents each way in addition to the Bell long distance charge would appear, from the experience tables, to be reasonable. Of this charge, the Bell company should in each case receive 7 cents and the independent company 3 cents.

Concurred in by Assistant Chief Commissioner Scott and Commissioner Goodeve.  
Reported in 17 Can. Ry. Cas., 266.

APPLICATION OF THE CITY OF CALGARY, ALBERTA, FOR A SPUR AT MILE 2.5, RED DEER  
SUBDIVISION, C.P.R.

Judgment, Chief Commissioner DRAYTON, July 18, 1914:

This application was heard at a sitting of the board held at Calgary on June 22, 1914. It was objected to by the railway company in the first instance because the

switch, if constructed, would be situated about eight-tenths of a mile from an expensive system of signals, which the company had put in to protect switching operations, and, in the next instance, because the company had recently expended a large sum of money to provide trackage to another industrial subdivision in the southern part of Calgary.

It appears that the city owns twenty-six acres of an industrial subdivision which would be served—at least in part—by the spur track now applied for; that the corporation has already signed the usual spur agreement under which it has agreed to pay the cost of the labour and ties and pay annually 7 per cent interest on the cost of the rails; that believing that an agreement would be made it has already sold one portion of the subdivision to a company, already manufacturing upon the understanding that it would get a spur track; and that that company hauls three cars of material a day in, and sends one car out. The industrial company in its communication on file represents that during the first year it will have from 750 to 1,000 cars to unload on the spur, and outbound from 150 to 200 cars, and that this will be increased gradually; that the capital of the company is \$100,000, and that it is expected the factory will be developed to employ about one hundred men.

No judgment was given at the hearing, as the board desired further information on the question of cost, protection and safety.

An engineer of the board has since reported on the matter. In this report the cost of the spur is shown to be \$2,507.13. Of this amount, under the proposed agreement, \$1,880 would be paid by the applicant, while \$627.13 represents the cost of the rails, fastenings and turn-outs, on which an annual rental of 7 per cent would be paid by the applicant to the railway company.

The engineer further reports that the automatic signals now installed north of Bridge 15, should be extended in order to protect the proposed spur, if constructed; that the cost would be about \$2,800; and that, in his opinion this cost should be borne by the city.

Dealing with the railway company's objections, I do not think the fact that it has spent a large sum of money in providing trackage facilities to the south is any answer under the Act to a *bona fide* application under section 226. I find the present application to be *bona fide*, and I find that the industry now in occupation of part of the industrial site in question is established under such circumstances as to render necessary the construction of the spur in the interest of trade as contemplated by section 226 of the Railway Act, unless it is inadvisable in the interest of public safety to authorize such construction. Considering this matter, the railway company's other objection arises. The signalling device which the railway company has installed for the purpose of protecting switching movements in the terminal were properly installed by the railway company in the interest of public safety. The installation was sufficient for the company's purposes and for the public safety. What was necessary in the area protected and which has been properly adopted by the company should be extended so as to cover operations on the proposed switch and on the company's lines adjacent thereto. This construction is only necessary for the purpose of enabling the city to carry on the development of its new industrial site.

I am therefore of the opinion that the automatic signals now installed north of Bridge 15 must be extended to protect the spur now proposed, and that the cost of this extension should be borne by the only party benefited that is, the city.

This switch should now be so laid as to accommodate other industries which may from time to time be located in the city's industrial subdivision, and no one or more industries should be allowed to obtain exclusive rights to that switch. This is a matter which the city can easily provide for, as the switch when constructed, although a switch not to be operated by the city as such, will be on city property.

The parties will be advised at once of this disposition of the matter, and an opportunity given them to submit a substituted plan should it appear that the construction



## SESSIONAL PAPER No. 20c

now proposed is not such as to serve the whole of the site. By this I do not mean that the construction as now made should be sufficient to serve the whole site. What I desire the parties to understand is that the track should be laid at such an angle and such a position that it may be extended from time to time and laterals from time to time run into it, so as to obviate another break in the railway Company's line.

Commissioner Goodeve concurred.

Order in accordance with judgment issued.

## RE ENTWISTLE, ALTA.

Judgment, Chief Commissioner DRAYTON, July 18, 1914:

Many letters have been received from property owners interested in maintaining the Grand Trunk Pacific Railway station where it is, pointing out that property has been purchased entirely on the situation of the station and that its removal would greatly injure, and in many cases ruin those who purchased property in the original town site, or representations to that effect.

I think the result to the owners in the neighbourhood of the present station from a change of the station site would not be nearly so serious as is feared.

After, however going very carefully again, and for the last time, into the whole question, I am of the opinion that it is now impossible for the board to change the station site.

It is unnecessary to go over the grounds already so often gone over and which appear in the different judgments of the board, commencing indeed before my appointment to the board.

The standard conditions of public safety required, having regard to the high and long bridge adjoining Entwistle must be observed, not only on the one side of the river, but also on the other. The board's engineers will have to see that all the requirements laid down by their reports as necessary to be observed on the east must also be observed on the west.

I am, however, of the opinion that while these requirements prevent the construction of a station on the site near the bridge asked for by the original settlement of Entwistle, a spur track with a trailing point switch toward King street, and which should obviate any question of danger in so far as a derailment on a movement toward the bridge is concerned, can be constructed. The board's chief operating officer has made a careful survey of the whole situation. He recommends that the spur track now located between King street and Pembina bridge be removed, and that a spur track capable of holding five cars be installed at a point east of King street, with a trailing point switch towards King street, the same to be constructed with a descending grade away from the main line so that there would be no danger of cars running out or fouling the main track; and that the railway company arrange to handle carload freight for the village of Entwistle and those that require it at this point. The safe and proper location for the construction of the spur is shown by the red ink line on the plan on file with the board.

The owners of property on the river bank have complained bitterly as to their present facilities. It is no real hardship to have to go a distance of a mile and a half to a station. Distances far greater than this have to be travelled in the centres of dense population. On the other hand, the road which the railway company constructed under the board's order, while originally, apparently well constructed, is a difficult road over which to team.

I think that the order now made is proper, having regard to the difficulties that Entwistle is now at in obtaining its supplies. It may well be that under ordinary circumstances there is not enough business to warrant, under ordinary conditions, the

6 GEORGE V, A. 1916

construction of a siding at this point; but under the present circumstances I am clearly of the opinion that the construction is proper and necessary.

Commissioner Goodeve concurred.

Order in accordance with judgment issued.

COMPLAINT OF J. W. LEHNHART OF MAZENOD, SASK., AS TO MOVEMENT OF A CARLOAD OF MACHINERY FROM REGINA TO MAZENOD.

Judgment, Chief Commissioner DRAYTON, July 20, 1914:

Mazenod is a station on the Canadian Northern line, and is the point to which construction has been carried on the branch of that company from Avonlea to Gravelbourg.

Owing to the fact that the Canadian Northern has not as yet in operation any line from Regina to Moosejaw which would enable the car to have been taken the appropriate route making connection at Moosejaw with the Canadian Northern line to the south, this car was routed *via* Maryfield, Radville, and Avonlea to Mazenod, a most circuitous route, making a movement of 401 miles.

For a movement of this length the rate on this material is 44 cents, and on the weight moved as given by the complainant of 49,800 pounds the total charge would be \$219.12. The complainant shows that the sum charged was \$216.63.

For this roundabout movement, therefore, no overcharge has been made.

The Canadian Northern has omitted to give a town tariff from Regina to Mazenod, although it is within Regina's distributing radius, and although the company has covered that point in its town tariffs from Port Arthur, Winnipeg, Portage la Prairie, and Brandon.

The Canadian Northern has also included in the Regina town tariff Avonlea and other points on the Moosejaw-Radville line. It has also covered the branch from Radville to Bengough. This is a branch running some fifty miles south of the Avonlea-Gravelbourg branch on which Mazenod is situate, and is, therefore, that distance further removed from Regina.

The answer made by Mr. Shaw to the inquiry of the board's chief traffic officer as to why that company had discriminated against Regina merchants by omitting to throw open the Gravelbourg branch to them, states that the company has no direct route from Regina to points on the Gravelbourg branch and has no connection with the Canadian Pacific at Moosejaw which would permit of a reasonable rate arrangement.

The same answer might well have been given as to the branch from Radville to Bengough.

I am of the opinion that a discrimination both undue and unjust is worked by the present state of affairs; and that in order to remove such discrimination, the Canadian Northern should be directed to extend the Regina distributing rates along the Gravelbourg branch westerly from Avonlea. The result would be that, on the particular movement in question, the rate would be 37 cents instead of 44 cents, and the total charge \$184.26.

This board has no authority to order rebates or the direction would now be made ordering a refund of the difference between \$184.26 and \$216.63. Just so soon as the Canadian Northern construction is completed from Regina to Moosejaw so as to give connection with the Canadian Northern line south from Moosejaw, much more favourable rates, of course, will be enjoyed by these districts.

Concurred in by Commissioner Goodeve.

Reported in 17 Can. Ry Cas. 93.

## SESSIONAL PAPER No. 20c

COMPLAINT OF SMART-WOODS, LIMITED, OF WINNIPEG, MAN., THAT THE DELIVERING CARRIERS AT WINNIPEG DISCLAIM RESPONSIBILITY FOR THE SHORTAGE OF GOODS RECEIVED BY THEM "SHORT" FROM THEIR CONNECTIONS, ALTHOUGH THEY ARE WILLING TO ASSIST IN OBTAINING REDRESS FROM THE DEFAULTING CARRIER.

Judgment, Chief Commissioner DRAYTON, July 20, 1914.

The complaint was heard at the sittings of the board at Winnipeg on May 26, 1914.

Complainant's goods (burlaps) came from India, via Boston, Mass., and, being consigned "to order", the bills of lading, properly endorsed, have to be given up to the delivering carrier by the consignees as their proof of ownership. This rule obtains everywhere, and is, of course, a proper one, since the last carrier, for the time being, holds the goods in trust for the shipper or the bank; but because the bill of lading has to be so surrendered is no reason, as the complainants contend it is, why the onus of the delivering carrier, with respect to short deliveries, should be greater than in the case of straight consignments.

Over-seas importations may be covered by a joint ocean and rail bill of lading, containing the conditions of carriage appertaining to water and land respectively, or by a ship's bill of lading containing the ocean conditions only. As a rule, the latter terminates at the seaport on this side, in which case the initial railway company issues, or is supposed to issue, an inland or rail bill of lading—the American Uniform Bill of Lading from United States ports, and that prescribed by this board from Canadian ports. In some cases the local ocean or ship's bill of lading is, in effect, made a through one by showing the inland destination and the through rate thereto, notwithstanding that it does not contain the conditions of carriage by rail. Those filed by the complainants with the board in this case are on ship's bill of lading forms.

The main question is the responsibility of the several rail carriers, as this board has—as I pointed out at the hearing—no jurisdiction over the steamship companies; and I think the conditions of rail carriage settle it. As regards carriage from a Canadian seaport, section 2 of the Board's Order No. 7562, dated the 15th day of July, 1909, is as follows:—

Section 2.—"In the case of shipments from one point in Canada to another point in Canada, or where goods are shipped under a joint tariff, the carrier issuing this bill of lading, in addition to its other liability hereunder, shall be liable for any loss, damage, or injury to such goods from which the other carrier is not by the terms of this bill of lading relieved, caused by or resulting from the act, neglect, or default of any other carrier to which such goods may be delivered in Canada, or under such joint tariff, or over whose line or lines such goods may pass in Canada or under such joint tariff, the onus of proving that such loss was not so caused or did not so result being upon the carrier issuing this bill of lading. The carrier issuing this bill of lading shall be entitled to recover from the other carrier on whose line or lines the loss, damage, or injury to the said goods shall have been sustained the amount of such loss, damage, or injury as it may be required to pay hereunder, as may be evidenced by any receipt, judgment, or transcript thereof. Nothing in this section shall deprive the holder of this bill of lading or party entitled to the goods of any remedy or right of action which he may have against the carrier issuing this bill of lading or any other carrier."

Paragraph 4 of section 4 of the same order provides that:—

"Notice of loss, damage or delay must be made in writing to the carrier at the point of delivery, or to the carrier at the point of origin, within four months after delivery of the goods, or in case of failure to make delivery, then within four months after a reasonable time for delivery has elapsed. Unless notice is so given the carrier shall not be liable." But it does not make the delivering carrier liable unless it be so *de facto*.



6 GEORGE V, A. 1916

Section 2 of the conditions of the Uniform Bill of Lading approved by the Interstate Commerce Commission, which governs from Boston, is as follows:—

"In issuing this bill of lading this company agrees to transport only over its own line, and except as otherwise provided by law acts only as agent with respect to the portion of the route beyond its own line.

"No carrier shall be liable for loss, damage, or injury not occurring on its own road or its portion of the through route, nor after said property has been delivered to the next carrier, except as such liability is or may be imposed by law, but nothing contained in this bill of lading shall be deemed to exempt the initial carrier from any such liability so imposed."

And paragraph 3, of section 3 provides that:—

"Claims for loss, damage, or delay must be made in writing to the carrier at the point of delivery or at the point of origin within four months after delivery of the property, or, in case of failure to make delivery, then within four months after a reasonable time for delivery has elapsed. Unless claims are so made the carrier shall not be liable."

Here, again, the board is without jurisdiction over the initial carrier at Boston. I am of the opinion that the complaint should be dismissed.

Concurred in by Commissioner Goodeve.

Reported in 17 Can. Ry. Cas. 340.

RE ST. LOUIS, SASKATCHEWAN, SIDING.

Judgment, Chief Commissioner DRAYTON, July 20, 1914:

This is an application for an order directing the Grand Trunk Pacific Railway Company to construct a siding from its Prince Albert branch line at St. Louis, Saskatchewan. The railway company on being served with the application, submitted that its "line for some distance south of the Saskatchewan river is descending on a 1 per cent grade to make the crossing, and in traversing this country it is necessary to take heavy work. Hence the physical characteristics of the country make it impossible to locate a siding as desired by the petitioners. The company naturally would be pleased to place a siding at a location the inhabitants of the surrounding country desire, if the conditions would warrant it. In this case unfortunately they do not." The company also submitted that "not only is the grade against the siding, but also the short distance to the river, and this coupled with the extensive work that would be necessary makes such a proposition beyond our possibility of carrying out."

The case came on for hearing at the board's sitting in Saskatoon on May 28, 1914, when it was represented that St. Louis was an old settlement; that the roads converge at Duck Lake, going west, and Prince Albert, going north; that some sixteen business places are established in St. Louis; that the townsite is already laid out and people are ready to build buildings, in prospect being two elevators and a grist mill. It was also pointed out that the railway company had placed a siding some five or six miles farther south at a point described as New St. Louis; that that location was not suitable in that the roads do not converge there, and that there was a lack of water supply, while on the other hand a first-class spring as well as river water was available at St. Louis. It was also claimed that 201 persons lived in St. Louis, and that 27 buildings had actually been erected.

The railway company made no answer to these representations at this sitting, it being stated on behalf of the company that it had no interest in either the old or the new townsite, resting its objections to the application entirely on the engineering questions.

The case was adjourned in order to enable an assistant engineer of the board to make an inspection.

## SESSIONAL PAPER No. 20c

The assistant engineer has since reported, and states that he was accompanied by Senator Davis of Prince Albert, and was met in St. Louis by Mr. Sinclair of Sinclair & Co. and about twenty-five others who were interested in having the siding asked for constructed. He also states that when in Winnipeg he took the matter up with the railway company's divisional engineer, its assistant solicitor, and Mr. Rosevear who is its traffic officer.

The report shows that the railway company has located its siding at new St. Louis; that this point is, in his (the assistant engineer) opinion, a proper point for station grounds; that at New St. Louis there is a grain elevator, and that a hotel and a store are now being erected; that descending from new St. Louis to old St. Louis on the banks of the river there is a descending grade averaging one per cent to a point sixteen hundred feet from the banks of the Saskatchewan, which portion is on a level grade, part being on a five degree curve; that the distance from new St. Louis to old St. Louis is 3.75 miles; that at present the railway company has constructed a temporary siding about 600 feet from the banks of the river and running south parallel to the railway which will hold eight or nine cars, and is being used for material used in the construction of the bridge now being built. He estimates that the population of old St. Louis is about 140, and states that there are two general stores, two temporary implement firms and other stores that go to make a small town, but nothing very substantial in the way of buildings.

Other matters are referred to by the assistant engineer on which it is not necessary to dwell, the engineer reporting that in the interest of public safety and the proper operation of trains, the application should be refused.

The parties having received copies of the engineer's report, the case was again set down for hearing at the sitting of the board held in Regina, June 24, 1914.

The applicants still pressed for construction. Mr. Zeiger appeared and produced a petition largely signed by the settlers of the district, and pointed out that he represented not the townspeople of St. Louis but the farmers of the district and that probably for more than 30 years people have been residing there on the Saskatchewan river, and that there was an old ferry site where the road used to lead to Prince Albert just where the Grand Trunk are now putting this bridge across; that the roads to old St. Louis are good roads and, that the settlement is much condensed along the river and that a siding could be well constructed on the 1,600 feet of level which extends back from the river. He further pointed out that there are practically no roads to new St. Louis at the present time from the east or the west, while the roads are already made to old St. Louis by reason of the fact that the old ferry road has been running from that point into Prince Albert for the last thirty years.

Judgment was reserved.

It may be noted that out of 76 signatures attached to the petition filed by Mr. Zeiger, only 13 of the petitioners appeared to be interested in old St. Louis, the remainder apparently being made up of farmers, the numbers of whose sections, townships and ranges are given.

Since the hearing, Senator Davis has written the board as follows:—

"PRINCE ALBERT, SASK., June 29, 1914.

"MR. CARTWRIGHT,

Secretary Board of Railway Commissioners,  
Ottawa, Ont.

"MY DEAR MR. CARTWRIGHT,—*Re* petitions that have been sent to the board and representations made to the commission sitting here, at Saskatoon and Regina, on the crossing of the Grand Trunk of the South Saskatchewan river at St. Louis, wherein some people claim that they should have a siding, I want to say in the interests of people who are living on the townsite as surveyed by the Grand Trunk three miles south of that point, that they have had no opportunity of being heard before the board and knew nothing of these petitions and

6 GEORGE V, A. 1916

representations. They would like a chance if it is necessary, to be heard on this question, as they have a lot of money invested at that point. From information we have received these petitions are signed by people who are not interested at all in the matter. At the time the railroad was built or the grade built to the river there were no interests there at all, except one little store. The people that are in there since have come there with the intention of making money out of the bridge construction. They have no buildings of a permanent character and they have no rights to claim any siding because they came there knowing that there was no siding there. I would like before any decision is made by the board, that the people at Garson from the Grand Trunk townsite proper should be heard on this question, as they are vitally interested. All communications should be addressed to Mr. F. W. Halliday, Prince Albert, as secretary of the Townsite Company.

"Yours truly,

"(Sgd.) T. O. DAVIS."

Garson, the point referred to in Senator Davis' letter is the point which I have referred to as new St. Louis. This is the place where the Grand Trunk Pacific Railway Company has placed its station, and is the location of the new townsite. This new townsite, from the senator's letter, appears to be controlled by a townsite company of which Mr. F. W. Halliday, of Prince Albert, is secretary.

Nothing in this present application directly affects the new townsite, except the possibility that if St. Louis is left entirely without any railway facilities those resident there may be compelled to move to new St. Louis, or, on the other hand, lots in new St. Louis may be more readily sold to newcomers than they otherwise would be if the old settlement is to be continued, unless, indeed, the point selected for the new townsite is such that it would be idle to expect any developments there except at the cost entirely of St. Louis. The new townsite has its station and there is no intention of interfering with it. It has its siding; it has a recently constructed elevator, and will have the hotel and store now in course of erection. It may be said to have the potentialities for a small town. St. Louis is already a small town and only lacks railway accommodation.

I am of the view that the interests of rival townsites, with the possibilities of gain or loss to their promoters, are not questions which should govern the board in the selection of location for railway facilities. The question for the board is the preponderating question of public necessity and convenience. Railways are constructed with a view, among other things, of serving the inhabitants of the districts through which they pass.

Beyond all question the preponderating public convenience and necessity would call for railway facilities at old St. Louis. The question for determination is whether or not the objections from the standpoint of railway construction and operation, endorsed as they have been by the assistant engineer of the board, necessitate a denial of that public interest. In my opinion they do not. While in the case of a main line, with high speed movements, full effect might have to be given to the arguments advanced by the railway company, a very different position arises in considering traffic on this branch line.

The question has been carefully considered by the board's chief engineer and by its chief operating officer, and they have recommended that an order should be made for a ten-car spur at old St. Louis with a trailing point switch towards the bridge over the Saskatchewan river; the spur to be constructed at the point designated in red on the plan on file with the board.

An order should go requiring its construction.

Commissioner Goodeve concurred.

Ordered accordingly.



SESSIONAL PAPER No. 20c

*re* PROPOSED LOCATION OF C.N.R. STATION AT FORT WILLIAM, ONT.

Judgment, Chief Commissioner DRAYTON, July 20, 1914.

Plans of the new Canadian Northern Railway station have been submitted by the railway company and approved by the city and Board of Trade authorities, neither of which bodies take any stand on the question as to whether or not the station should be continued at the present site.

Mr. Douglas Kerr, on behalf of himself and other ratepayers, and particularly on behalf of the School Board of which he is a member, protested against the continuance of the station at the point in question, having regard to the danger to children and others using the level crossing. Mr. Kerr suggests a site on the main line. This site, as it is somewhat inaccessible, is not convenient either for the receiving or delivering of traffic. It is, however, undoubtedly safer, in so far as the question of street use is concerned.

I find, however, that the station is placed in its present position as a result of the vote of the ratepayers of the municipality, and also as the result of an agreement with the vendors of the land—the Messrs. McKellar.

The question of safe highway crossings is one in which the municipality is vitally interested, and although the station was placed where it now stands as the result of a municipal by-law coupled with the vote of the ratepayers in favour of a money by-law granting aid to the company, I am of the opinion that, should the municipality desire it, and will extend its street-car system to the Canadian Northern main line along Victoria avenue, no injustice will be done the railway company. The station on the main line would become reasonably accessible, and in the long run a station on the main line will be in the best interests both of the public and the railway, although with the present development of the city and means of access to the main line location, the contrary is the case to-day.

If the municipality is not desirous of the change being made, and of extending the car system, an order should go approving the plans submitted for a building and lay-out on the present site, with the modifications recommended by the board's chief operating officer, and which are as follows:—

“The railway company to put in a suitable passenger depot with platforms between Victoria avenue and Mile street; move the freight shed to the north side of Mile street; plan a re-arrangement of the tracks to serve the same; and require the railway company not to stop its train on Victoria avenue; and to put in some form of protection at Mile street.

By giving effect to this modification, the danger to those using the highways is to a considerable degree decreased.

Mr. Commissioner Goodeve concurred.

TOWNSHIP OF OLIVER *v.* C.P.R.

Judgment, Chief Commissioner DRAYTON, July 20, 1914.

This is a complaint made by the municipality of the township of Oliver, complaining of the inadequate train service from Murillo to Fort William furnished by the Canadian Pacific Railway.

The case was heard at the board's sitting at Port Arthur on June 27, 1914, when it appeared that the former local train had been taken off as far back as last February or March, the company showing that there was not business enough for the train to do.

The board intimated at the hearing that the company should flag such trains as would enable the residents of Murillo, and the neighbourhood thereof, to go to Port Arthur or Fort William, their market towns, and return the same day. Mr. Murphy, the company's superintendent, objected to any such action on the ground that the rains were heavy and that there was a one per cent grade.

The board accordingly directed the particular objections raised by Mr. Murphy to be inquired into by its operating officer. He agrees that the grade is heavy and that the trains are heavy. He finds, however, that the company has already stopped this train at other places where the conditions are not more onerous. Of course simply because a train is stopped at one point is no reason why it should be stopped at other points. Such action, if worked out logically, would render the service of the particular train in question of little, and sometimes of practically no value.

It appears that at the point in question when the company is running the maximum trainload, a double engine is used. With this double engine already in use at this point, and in view of the fact that a similar service has been given the district in the past, I am of the opinion that the recommendation of the chief operating officer should be given effect to and an order made that train No. 3 be stopped on flag at Murillo, and flag stop for trains 7 and 1 be cancelled. With this privilege, the residents in the neighbourhood can go to Port Arthur or Fort William and return the same day. In view of the distance from Murillo to Port Arthur this is a condition which I think they are entitled to in view of the service on the company's line.

Commissioner Goodeve concurred.

Ordered that the Canadian Pacific Railway Company be, and it is hereby required, forthwith, to stop its train No. 3 on flag signal, at Murillo station; the railway company to be at liberty to cancel the present arrangement of stopping trains Nos. 7 and 1 at the said station.

APPLICATION OF THE GRAND TRUNK RAILWAY COMPANY FOR AN ORDER REQUIRING THE HAMILTON AND TORONTO SEWER PIPE COMPANY TO REPLACE THE SIDING TO THE HAMILTON AND TORONTO SEWER PIPE COMPANY AND THE FOWLERS CANADIAN COMPANY IN THE SAME CONDITION AS IT WAS BEFORE THEY INTERFERED WITH IT.

Judgment, Mr. Commissioner McLEAN, July 23, 1914.

The application of the Grand Trunk Railway Company sets out the fact as follows:—

"The siding in question serves the Hamilton and Toronto Sewer Pipe Company and the Fowler Canadian Company jointly, and its construction, maintenance and operation is authorized by Order No. 6040 of the board, dated November 11, 1908. It would appear that recently the Hamilton and Toronto Sewer Pipe Company, without permission from the board or any one else, took up part of this siding, which prevented our access to the Fowlers Canadian Company which was at the end of the siding. We complained to the Sewer Pipe Company at the time, and delayed making an application to the board until it appeared that no other course was open to us. The Fowlers Canadian Company objected to the removal of the track and insist upon its replacement. We would, therefore, apply for an order of the board requiring the Hamilton and Toronto Sewer Pipe Company to replace this siding in the same condition as it was before they interfered with it."

The Hamilton and Toronto Sewer Pipe Company has submitted to the board copies of its correspondence with the Grand Trunk Railway Company. Under date of March 28, 1914, it wrote to the city agent of the Grand Trunk Railway Company at Hamilton stating that it desired to have certain spur tracks re-arranged; and it stated that it desired to take out its present coal siding between the kilns. This is the siding which is concerned in the present application. The Grand Trunk agent at Hamilton was again written to under date of April 7, and under date of April 8, the Sewer Pipe Company was informed by him that the matter had been taken up with the Commissioner of Industries at Montreal.

In its letter to the board, dated June 27, the Sewer Pipe Company states that nothing has been done by the railway in the matter.

## SESSIONAL PAPER No. 20c

From the report of the board's chief operating officer on file, it appears that as early as April 23, the portion of the siding which extended on to the property of the Fowlers Canadian Company had been torn up just north of the last pair of kilns, and an excavation had been made for the foundation of a new kiln.

By Order 6040, dated November 11, 1908, an order was issued by the board for the construction of certain spurs through the premises of the Hamilton and Toronto Sewer Pipe Company and the Fowlers Canadian Company. This order legalized certain spurs which were already on the ground and had been in existence a considerable period of time prior to the date of the order. The matter was spoken to at Hamilton on October 13, 1908, and was spoken to at greater length at Toronto on November 11, 1908, when the terms of the order were discussed. Clauses 1 and 2 of Order 6040, which issued after the hearings in question, are, in view of what was stated in the course of the hearings, especially pertinent. They are as follows:

"1. That the applicant company do not expropriate the land upon which the said sidings are situated, without first obtaining the consent of the board, notwithstanding the approval of the said plans."

"2. That nothing in this order contained affect, prejudice or alter any of the rights or obligations existing between the Hamilton and Toronto Sewer Pipe Company, Fowlers Canadian Company, and the applicant company, or any two of these; and that all such rights and obligations continue as if this order had not been made."

In the course of the discussion both at Hamilton and at Toronto, reference was made to the fact that the Sewer Pipe Company did not desire the legalizing of the existing spurs to take such shape as would preclude it from re-arranging them. As, for example, Mr. Cowan, speaking as counsel for the Grand Trunk, which was the applicant, used the following language, in reference to the position taken by the Sewer Pipe Company.—Vol. 68, p. 8367:

"That is the whole trouble; the tracks are there and they are there with their consent; but when we come to legalize them, they say we may not always want that track coming across on to the Fowlers."

Again in speaking of the attitude of this company, the following language was also used by him at page 8368 of the same volume:

"Mr. New says, I do not mind the track there as long as I don't want the use of the land. I said any time you want to use it, take the track up."

At the hearing in Toronto on November 11, 1908, Mr. Cowan, acting for the Grand Trunk, stated that the Fowler Company desired to have a provision in the order that the sidings in which they were interested should not be removed from off the lands of the Sewer Pipe Company, without the sanction of the board having first been obtained; and a suggestion was made by Mr. Cowan, at page 9021 of volume 69, that such an arrangement would be a proper one. Mr. Masten, who appeared for the Sewer Pipe Company, contended that the rights possessed by the Fowler Company under existing agreements should not be added to.

Throughout the discussion which took place, the Sewer Pipe Company contended that the order legalizing the existing spurs should not give to the Fowler Company any greater rights than they already possessed under existing agreements; and this position was accepted by the board. At volume 69, p. 9028, Mr. Cowan again recurred to his position that before the siding running off the Sewer Pipe Company's land on to the land of the Fowler Company was removed, an order of the board should be obtained; and the late Chief Commissioner Mabey stated that this would carry the existing agreement that the Sewer Pipe Company had entered into further than it



6 GEORGE V, A. 1916

then went. It was also stated by the late chief commissioner, at page 9029, that he knew of no order whereby the Fowler interests should be given a right of way over the land of the Sewer Pipe Company; and Mr. Cowan agreed that this should not be done, unless there was absolute expropriation of the property to reach the Fowler Company. In summing up the matter, the following language was used by the chief commissioner at page 9209:

"I do not see any way to do it, Mr. Cowan, but to approve these plans subject to all existing rights. If we go any further, we will be interfering with the existing rights."

There has been filed with the board a copy of an agreement entered into on July 30, 1898, between the Hamilton and Toronto Sewer Pipe Company, Limited, of the first part; the administrators of the estate of the late Thomas Lawry, of the second part; and Thomas Lawry & Son, Limited, of the third part. It is recited that the Hamilton and Toronto Sewer Pipe Company, Limited, own a certain railway siding, "running along the easterly side of the said Sewer Pipe Company's factory." It is further recited that Thomas Lawry & Son, Limited, "are desirous of passing over the said easterly railway siding with one or two cars of coal per week for the "use of the factory of the said Thomas Lawry & Son, Limited." The terms on which the use of the siding was permitted are set out. It is further provided that in the event of the said Thomas Lawry & Son, Limited, using the said easterly railway siding by passing over same more than one or two cars of coal per week, in such case the said Thomas Lawry & Son, Limited, agree to pay the said Hamilton and Toronto Sewer Pipe Company, Limited, one-half of whatever the Grand Trunk Railway Company may charge the said Sewer Pipe Company for the use of the said railway siding; the same to be paid at least once a year from the date hereof. The agreement was entered into for a period of five years. Apparently Thomas Lawry & Son, Limited, were the predecessors in title of the Fowler Company. The agreement which has been referred to was spoken of by Mr. Cowan, who acted for the Sewer Pipe Company, at Toronto, at the hearing on July 3, 1914, as being an agreement between the Fowler Company and the Sewer Pipe Company; and it has been filed by him. The history of the agreements, if any, between the Sewer Pipe Company and the Fowler Company since 1903 has not been developed before the board.

At the hearing at Toronto, the Fowler Company, through some oversight was not notified. It has made a submission in writing. It states in the course of its submission that it had had the use of the siding in question over the Hamilton and Toronto Sewer Pipe Company's property for the last fifteen years or more; and that while it originally used it principally for receiving coal and other supplies into its premises, it had for some time back been using this siding as an outlet to the Grand Trunk for all the offal and by-products manufactured by its plant.

The board in issuing Order 6040 was careful to state that it did not "affect, prejudice or alter" the rights and obligations as between the Sewer Pipe Company and the Fowler Company, and that all such rights and obligations were to continue as if this order had not been made. So far as the record of the agreements is before the board, the Fowler Company had the right to handle over the siding a limited number of cars of a particular commodity and nothing more. Whether there were any conditions in respect of notice to be given in connection with the discontinuance of the spur is a matter which would, in view of what has been said, depend on the terms of the agreement or agreements, if any, in respect thereto. Nothing bearing on any obligation in this respect, if any such obligation there be, has been developed before the board.

It is shown throughout the record of the hearings that the Sewer Pipe Company insisted on retaining the control of the sidings on their own land, to the extent of taking them up if necessary. This contention was placed squarely before the board; and with a full knowledge of this, the board refused to place in the order a clause providing that before the siding in question was interfered with the matter should be

## SESSIONAL PAPER No. 20c

heard and dealt with by order. Consequently, the Sewer Pipe Company's action in the present application is not in violation of Order 6040. The only way in which the board can provide that the Fowler Company shall have an access from the line of the Grand Trunk to its own line across the Sewer Pipe Company's land, would be by authorizing the Grand Trunk, on application, to expropriate a right of way across the Sewer Pipe Company's land.

Assistant Chief Commissioner Scott, concurred.

APPLICATION OF THE MUNICIPAL CORPORATION OF THE TOWN OF PARRY SOUND, ONTARIO, THAT THE BOARD RECONSIDER ORDER NO. 4088, DATED NOVEMBER 28, 1907, AND FOR AN ORDER DIRECTING THE CANADIAN PACIFIC RAILWAY COMPANY TO CONSTRUCT A SUBWAY UNDER ITS RAILWAY AT ARMSTRONG STREET, IN THE TOWN OF PARRY SOUND, ONTARIO.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing September 15, 1914:

In this matter, when the line of railway was to be built an agreement was made dated the 17th October, 1907, between the town of Parry Sound and the Canadian Pacific Railway Company whereby, among other things, certain subways were provided at a number of streets. The scheme agreed upon by the railway and the town at that time was that a subway should be put at or near Marion street, and an arrangement was made as to how the work was to be done and as to the distribution of the cost of it between the railway and the municipality. Through no fault of anyone that subway has not been built.

The municipality now comes before the board and asks us to substitute a subway at Armstrong street for the subway at Marion. It is pointed out that Armstrong street is a more direct line from Margaret and Ethel streets and Avenue road to the public school on the east side of the track. The railway company objects to the application of the municipality pointing out, and it is quite clear from their plan, that their intention ultimately is to extend northward across Armstrong on the east side of their tracks. Their plan shows that they have their freight shed, their coal shed, and a number of sidings now on the east side of their tracks south of Armstrong, and it is quite clear if they are to extend, as undoubtedly they will in a growing town like Parry Sound, that the only way they can do so is by extending northward across Armstrong and occupying the territory north of that street.

Under the circumstances the board thinks that the agreements should be adhered to. We do not feel justified in interfering with the arrangement that was made by the parties at the time. We think they should stand by the agreement. This application is dismissed.

APPLICATION OF THE MONTREAL BOARD OF TRADE, PER W. S. TILSTON, MONTREAL, P.Q., ON BEHALF OF THE MONTREAL WHOLESALE GROCERS' GUILD AND THE MONTREAL WHOLESALE LIQUOR ASSOCIATION, FOR AN ORDER DIRECTING THE RAILWAY COMPANIES TO REINSTATE MIXED CARLOAD COMMODITY RATES BY OCTOBER 1.

Judgment, Mr. Commissioner McLEAN, September 30, 1914.

The complaint of the Montreal Board of Trade was supported at the recent hearing in Montreal by Mr. Marshall, on behalf of the Toronto Board of Trade, and Messrs. Balfour, Cleghorn, Hebert, Blain, and Terroux.

While reference is made herein to the tariffs of the Canadian Pacific Railway alone, this is for convenience only, as its tariffs are identical with those of the other railways concerned.

Under C.P.R. tariff No. E-1953, C.R.C.E.-2353, provision was made under Item 31 as follows, regarding groceries and dried fruits:—

“Groceries classifying 5th class and dried fruits 4th class, straight carloads, in the Canadian classification, when shipped in mixed carloads, will

6 GEORGE V, A. 1916

take carload rate on each commodity, carload weight, subject to the minimum 24,000 pounds. If total weight of shipment be less than 24,000 pounds, dried fruits will be charged on basis of 4th class rate, carload weight, and groceries 5th class for balance of weight necessary to make up full minimum weight."

Item 33 of the same tariff, dealing with liquors, mixed carloads, reads as follows:—

"Liquors, domestic or foreign, in wood, and in cases, jars or stone jugs, when shipped in mixed carloads, will be accepted at the respective carload rate, actual weight, subject to minimum of 24,000 pounds. If the total weight of shipment be less than 24,000 pounds in waybilling the weight of the liquor in wood shall be increased to make up the full weight."

In C.P.R. tariff C.R.C. No. E-2843, applicable from points in eastern Canada to Port Arthur and west thereof, these items are no longer carried. This tariff, issued August 24, became effective as to reductions September 1, and as to increases October 1. The effect of these cancellations is to leave the matter as it is provided for by rule 2 of the classification. Under rule 2, subsection b, it is provided that when the articles shipped have a carload rating and are of more than one class, the carload rate and minimum carload weight of the article in the highest class shall apply on all the articles that make up the carload. The same provision is to be found under subsection c of rule 2, in regard to shipments west of and including Port Arthur and points west thereof, the provision in this connection being limited of course by the arrangement that exists in regard to trade lists in the west.

In the case of liquors, the item already referred to deals with the special mixing privilege given to liquors, domestic or foreign. There is contained in the classification a special provision whereby in the case of native wines, native methylated spirits, and native spirits of alcohol, etc., on a movement of 4th and 5th class articles in the same car, the articles are allowed to mix on their respective ratings. This is the only departure from the classification rule already referred to which is to be found in the classification, and was explained at the hearing as being in the nature of a concession to a home industry.

In addition to the complaint heard at Montreal communications, both telegraphic and written, have been received from Winnipeg and from Vancouver in opposition to the cancellation of the items. On the other hand, communications have been received from Regina and from Edmonton in support of the action taken by the railways.

As has been set out, the tariff from points east of Port Arthur carried a notice of more than thirty days. In the case of the tariff from Port Arthur west, C.R.C. W-1953, the date of issue was July 30, and the effective date as to advances September 1.

In the cancellations from other points, a different situation appears. The cancellations covering a series of points from Calgary to Yorkton are covered by C.R.C. W-1959, which was issued August 18, effective September 1. Winnipeg is covered by the same tariff, with the same date of issuance and same effective date. In the case of Vancouver, tariff C.R.C. W-1715 was issued August 26, with effective date September 1.

By section 328, sub-section 3, as amended by 1 and 2, Geo. V, chapter 22 section 11, it is provided that when a special freight tariff advances any toll hitherto charged, 30 days' notice shall be given of such increase. In the sub-section, the word "toll" is used. The definition of "toll", as contained in sub-section 30 of section 2 of the Railway Act, indicates that toll or rate may be alternatively.

It was urged by the railways at the hearing that instead of there being an increase in the rate charged there had, on account of the rate reductions directed by the decision in the Western Rates Case, been a decrease. In one sense this is true if attention is paid to the class rate alone; but it must be remembered that the



## SESSIONAL PAPER No. 20c

effect of removing the arrangement whereby, hitherto, articles were allowed to mix in carloads on their respective ratings and replacing it by the general provision as set out in the rule of classification already referred to, was to increase the aggregate to be paid for the movement of a given quantity.

The definition of toll or rate in the Railway Act, as already referred to, is in terms of the amendment of 7-8 Edward VII, chap. 61, part 2, so wide in its scope that it is justifiable in dealing with the provisions of sub-section 3 of section 328 to consider as entering into the question of whether there has or has not been an advance, the effect of such a change as has here been made.

The situation in regard to the actual notice given in the case of Winnipeg, Calgary and Vancouver, and the initial points covered by their respective tariffs which covered the cancellations, has been set out. There has not been in these cases a notice given which satisfies the requirements of sub-section 3 of section 323.

Some telegraphic communication took place between the board's traffic department and the Chief of the Tariff Bureau of the Canadian Pacific Railway Company at Winnipeg. The board was asked if it was willing to waive statutory notice on tariffs issued under the board's decision in the Western Rates Case and the order thereunder. It was represented by the railway company that on account of congestion in printing there was difficulty in meeting the requirements as to notice. The request dealt simply with tariffs issued under the aforesaid order of the board; and, in reply, the board stated that on account of the wide publicity given to the findings of the board as set out in its judgment in the Western Rates Case, tariffs issued in compliance therewith might, under the circumstances above outlined, be put in on less than statutory notice.

The cancellations dealt with in the present application were not changes directed by the board's judgment and the order thereunder.

In the hearing at Montreal, the railways urged that on the merits the cancellations should stand. The board, however, cannot go into the question of the merits until the requirements of the Act in connection with notice are complied with. In so far as the changes created by dropping the items in question from the tariffs concerned in the movement out of Winnipeg, Calgary and Vancouver, already referred to, are concerned the situation is that on account of lack of statutory notice the cancellations are non-effective. As to the tariffs from Port Arthur westward, and from points east of Port Arthur to Port Arthur and west thereof, there has been statutory notice. The hitherto existing arrangement as to the points already referred to, where insufficient notice has been given, should forthwith be reinstated. And until the requirements as to notice are complied with, the board can express no opinion as to the justifiability or otherwise of the cancellations in question.

It is true that as to Port Arthur and as to the movements from points east thereof, provision has been made for proper statutory notice. To interfere with these tariffs in so far as the cancellations are concerned may seem to be a hardship on the railways. But the situation is that to so continue them would work a discrimination against these points by depriving them of the mixing privileges which the railways have not, by their non-compliance with the requirements as to notice set out in the Railway Act, taken away from the other points referred to.

In so far as Port Arthur is concerned, the cancellations should be disallowed and the arrangement reinstated. As to the movement from points east of Port Arthur to Port Arthur and points west thereof, the cancellations should be suspended. In this way, the whole matter may, if need be, be gone into on its merits, when the requirements as to notice are complied with.

Assistant Chief Commissioner Scott concurred.

Order in accordance with the judgment issued.

Judgment, Mr. Commissioner McLEAN, October 14, 1914.

6 GEORGE V, A. 1916

The second sentence of the second paragraph of page 2 of the judgment in this matter rendered September 30, 1914, reads as follows:—

“There is contained in the classification a special provision whereby in the case of native wines, native methylated spirits, and native spirits of alcohol, etc., on a movement of 4th and 5th class articles in the same car, the articles are allowed to mix on their respective ratings.”

The sentence as given in the judgment was put in a condensed way and omitted the words “also lime fruit juice,” which appear in item 18 on page 106 of the classification.

Representations have been made by Messrs. Walsh and Tilston that the use of the adjective “native” in connection with methylated spirits and spirits of alcohol, etc., unduly limited the scope of what was intended by the item.

While the classification is, in my opinion, as worded, open to the construction which I placed upon it, I find that the chairman of the Advisory Committee of the Canadian Freight Association has it as his understanding that the words “lime fruit juice, methylated spirits and spirits of alcohol” mentioned in the item are given the same treatment therein, irrespective of whether they are of native or foreign manufacture. This is in agreement with the position taken by Messrs. Walsh and Tilston.

In view of the understanding which has arisen and the request for a ruling on the matter, it appears, in view of the interpretation which both the railways and the shippers place on the item in question, that the paragraph in item 18 of page 106, which reads as follows: “Native, also lime fruit juice, methylated spirits and spirits of alcohol” is to be read as stating that the same treatment is given under this item to lime fruit juice, methylated spirits and spirits of alcohol, regardless of whether they are of native or foreign origin.

Assistant Chief Commissioner Scott concurred.

#### DENHOLM DRAINAGE, UNDER GUELPH AND GODERICH RAILWAY.

Judgment, Assistant Chief Commissioner Scott, October 5, 1914.

John Denholm has complained to the board that the construction of the Goderich branch of the Canadian Pacific Railway has deprived him of the proper use of a portion of his farm, on lots 27 and 28, concession 4, in the township of Hullett, because of the lack of proper facilities of drainage under the railway. The matter has been taken up by correspondence with the complainant and the railway company; and, the assistant chief engineer of the board, Mr. Simmons, having made an inspection on the ground, reports that: “There is no doubt but that the pipe which is at mileage 96-85 should be lowered about 18 inches.”

Some months ago, accompanied by a representative of the Canadian Pacific Railway Company and Mr. Denholm, I made an inspection of the property in question. A part of Mr. Denholm's farm on the north of the railway track which is low lying land cannot be used for agricultural purposes because the pipe carrying the drainage under the railway company's tracks is not low enough; as, our engineer says this pipe should be placed 18 inches lower than it now is. If this change was made in the culvert, Mr. Denholm's low land could be drained and made suitable for agricultural purposes. It is estimated that the cost of lowering the pipe which carried the drain under the railway would be in the vicinity of \$200. The only question is, whether the drainage should be done at the expense of the railway company, or Mr. Denholm.

Under section 250 of the Railway Act, the obligation is clearly placed upon the railway company to do just such work as is now required by Mr. Denholm.

It is contended by the railway company that in the conveyance to its successors in title, the Guelph and Goderich Railway Company, of the right of way through the Denholm farm from Mr. Denholm's predecessors in title, that the company is relieved

## SESSIONAL PAPER No. 20c

from any responsibility in this matter. The language of the clause in the conveyance in question is as follows:

"And this indenture further witnesseth that the said price or sum includes compensation to the party of the third part (the land owner), his heirs, executors, administrators and assigns, for all damages which may be sustained by the said party of the third part or any of them by reason of the exercise upon the said lands hereby conveyed of the powers of the party of the second part as a railway company, or any of them."

There is nothing in the conveyance with reference to the question of drainage; nor, is there anything to show that it was the intention of the parties to permit the railway company to contract itself outside the provisions of the Railway Act; if indeed it were possible for it to do so.

Paragraph *b*, of subsection 2, of section 250 of the Railway Act states that whenever a land owner desires to obtain means of drainage under the railway, the board may order the company to construct such drainage, and may use its discretion upon what terms and conditions the work shall be done.

If the railway was not there, Mr. Denholm could easily drain his land. The existence of the railway prevents him from doing so. The language of the Act is quite clear; and, I do not think any general clause of release from damages in a conveyance should relieve the railway company from the obligation placed upon it by the statute.

An order should go for the railway company to lower the existing pipe under its tracks 18 inches, at its own expense, and the work should be completed within 30 days.

Concurred in by Commissioner Goodeve.

Reported in 17 Can. Ry. Cas. 318.

COMPLAINT MADE BY W. J. GUEST FISH COMPANY, LIMITED, OF WINNIPEG, MANITOBA, WITH REGARD TO EXPRESS RATES CHARGED ON FRESH FISH IN CARLOAD LOTS FROM VANCOUVER TO WINNIPEG.

Judgment, Chief Commissioner DRAYTON, October 12, 1914:

This complaint was heard at a sitting of the board held in Winnipeg on the 26th day of May, 1914.

The company, at that time, had not had an opportunity to make its answer; but, for the convenience of the complainant, the case was then heard, the right being reserved to the company to file its answer, a copy of which was to be sent to the complainant, who would file his reply in case the company's answer required it.

At the hearing referred to, Mr. Douglas, who appeared for the complainant, stated:

"This question of carload rates on fresh fish from Vancouver and New Westminster to Winnipeg would have been brought before your notice some considerable time ago, only for the fact that for 4 or 5 years the Department of Marine and Fisheries have subsidized the fish dealers in Saskatchewan and Manitoba to the extent of one-third of the express rates. Consequently it has considerably reduced the laying-in cost for express service, and it made a very low rate for the carloads of fish being brought into Winnipeg.

"About four months ago, the Department of Marine and Fisheries decided that the development of the fish business in Winnipeg had got to such an extent that they were justified in withdrawing the subsidy."

Mr. Douglas showed that the ground on which the application was made, was that fresh fish consigned from Vancouver to dealers in Boston, is shipped all the way to Boston at a rate of \$3 per 100 on the net weight of the fish; whilst the same kind of fish, in a car of like proportions consigned to dealers in Winnipeg, cost \$2.50 per 100.



Mr Douglas likewise pointed out that the Boston rate applied also to Montreal and Toronto, so that dealers in Montreal, Toronto, and Boston could lay fish down at only 50 cents a hundred more than Winnipeg dealers have to pay.

The complainants submitted that the rate of \$2.50 should be reduced to \$2.

The written statement of the Department of Marine and Fisheries was to the same effect, namely, that the rate on carload lots to Calgary, Regina, and Winnipeg, is not equitable when compared with the rate to Boston, Montreal, and Toronto, in view of the great difference in the distances.

The department subsequently pointed out that the subsidy referred to by Mr. Douglas was not intended to cover carload movements.

The company, in its reply, submits that the Boston rate is controlled by circumstances and conditions that in no way affect the situation, so far as Winnipeg is concerned: that companies having lines through the United States established a blanket rate of \$3 from Puget Sound to the principal cities in the east; and that the existing \$3 rate from Vancouver to Boston merely meets that competition. The company also points out that not only have Winnipeg dealers an advantage of 50 cents in the rate as against Boston, but they have free delivery service, while a charge of 15 cents per 100 pounds is made in Boston; and that the amount of traffic moving into Winnipeg is inconsiderable compared with the traffic moving into Boston, the business done by the company last year in Winnipeg being only 18 cars as against 84 cars in Boston; while, for the four months of the current year, the company has handled 21 cars for Boston and only one car for Winnipeg.

The complainants in their reply to the company's answer admit that, in quoting the rate from Vancouver to Boston, the express company naturally had to meet the competition of companies operating in the United States; but they contend that this fact has no bearing whatever on the Vancouver-Montreal, or Vancouver-Toronto rate; and that, while 15 cents per 100 extra may be charged for some of the deliveries in Boston, the deliveries in both Toronto and Montreal are free, as they are in Winnipeg.

The complainants again insist that on the mileage basis of the \$3 rate to points in the east, the Winnipeg rate should be much lower than it is at present.

It is a well established principle that the cost of carriage, as estimated on a mileage basis, decreased in proportion to the distance carried; so no exact comparison can be made on which to determine the fairness of rates one way or the other merely on that basis. This principle applies particularly to all commodity rates, and has perhaps been carried to its furthest extent in the rate on wheat moving from the provinces to the seaboard.

In consideration of the grain rates, many instances could be found when the rate per mile for the shorter distances would show a greater difference than that which is shown in comparing the rates in question as between Winnipeg and Boston.

While this is so, the difference in the rates and the general tariff structure is of such a character as to render necessary a careful survey of the situation. For example: The rate to Calgary is the same as the rate to Winnipeg. The mileage calculation is more favourable to Calgary compared with Winnipeg, than it is to Winnipeg compared with Toronto.

If there is any hardship resulting from the present rate schedule, it is manifest that the dealer in Calgary has as great a grievance as the dealer in Winnipeg. The fact is that this scale has not been built up on a mileage basis at all.

To illustrate how far removed the rates in question are from mileage rates, it may be noted that the Vancouver-Winnipeg rate on merchandise, permitted under the board's judgment, delivered in the original express inquiry--the only express rate based on mileage--was \$7.25; and, in the judgment recently delivered, this rate was reduced to \$6.

The board has also, however, dealt with the tariff known as scale "N" which is a tariff based on the mileage tariff for merchandise and applies to specific commodities, among which are fish.

## SESSIONAL PAPER No. 20c

In the old judgment the rate under this scale, Vancouver to Winnipeg, was \$5.20; this was reduced in the recent judgment to \$4.20.

The fact is beyond all dispute that the special \$3 Vancouver-Boston rate has nothing whatever to do with mileage, and while it may have been put in in the first instance only for railway competitive reasons, is also a rate which makes it possible for the catch on the Pacific to be marketed in the east.

The situation in Canada is exactly the same as it is in the United States. The competition on the Atlantic coast not only of carriers but probably to a greater extent the competition of rival products has determined the initial rate, and rates to intermediate points have been fixed under the blanketing system, with the result that the Toronto rate is the same as that to Buffalo and Detroit; and with the further result that the Winnipeg rate is the same as the rate to St. Paul, Minneapolis, and Duluth.

The Vancouver-Boston rate is admitted to be competitive but the American rate to Buffalo in turn, in any event, controls the Toronto situation. Toronto and Buffalo are in contiguous territories and take, under the tariffs of the American Express Companies, a similar rating necessitating a similar or lower rate by the Dominion Express Company.

Taking the Vancouver-Winnipeg rate by itself, it cannot be said that the charge is an unfair charge for the services rendered. The complaint, if sustainable at all, is only sustainable under the discriminatory clauses.

The usual ratio that express charges bear to first class freight rates exceeds two to one. In fact the express rate is more often three to one. The express service is much more expensive. The goods are carried by fast passenger train instead of by a slow freight; they receive personal attention and supervision by the company, and include wagon service at both ends, although I do not suppose that any wagon service is necessary to be performed in Vancouver in this case.

The Vancouver-Winnipeg freight rate, car lots, is \$1.25, with a minimum of 24,000 pounds the rate complained of is \$2.50 with a minimum of 20,000 pounds.

If the movement was to be considered not having regard to a freight car lot rate, but as express is usually considered with reference to the first-class freight rate, it would be found that this rate is 50 cents per hundred cheaper than the first-class rate from Vancouver to Winnipeg, which is \$3.

The fish has to be carried in containers and on ice and it has been calculated that the additional weight represented by the containers and the ice brings the weight of 20,000 pounds at which the rate is charged, to 32,000 pounds, so that, as a matter of fact, the company has to carry 38 per cent more weight than it is paid for. These calculations are probably more approximations than actual, but there is no doubt that the handling of fish does entail the carriage of a considerable extra weight.

On the question of discrimination, I am of the opinion that it is impossible to say that the Winnipeg dealer is injured owing to the fact that the rate to Toronto is so low. The Winnipeg fish dealer is not in competition with the Toronto dealer nor is the Winnipeg fish market in any way affected by the local Toronto market. If the rate to Toronto were raised there would be no advantage to the Winnipeg dealer. Probably the movement of fish from the Pacific to Toronto would be prejudicially affected, as fresh fish from the west to Toronto enters into direct competition with fish moving from the Atlantic, as well as fish caught in the Great Lakes. For the same reasons it cannot be said that the dealer in Calgary is injured by reason of the fact that the dealer in Winnipeg, on the local haul, gets the same rate as himself. In Winnipeg, again, there is an effective local competition in fish, the yearly product of white fish from Lake Manitoba amounting during the fiscal year ending March 31, 1913, to over 3,000,000 pounds.

Over and above all this, the traffic under consideration will probably at an early date travel at least to some extent by another route.

The fishing grounds of the Pacific are contiguous to Prince Rupert and 450 miles away, approximately, from Vancouver.

6 GEORGE V, A. 1916

The Canadian Express Company, operating from Prince Rupert, has, since the hearing, received at Prince Rupert 16 carloads of fish for eastern points via Winnipeg.

It is reasonable to suppose that, with the elimination of the water carriage of 450 miles, the cost of fish f.o.b. cars at Prince Rupert should be materially less than the cost which has hitherto obtained at Vancouver.

I do not think that the rate can be interfered with.

Concurred in by Commissioner Goodeve.

THE ERIE AND ONTARIO RAILWAY COMPANY CROSSING OVER THE RIGHT OF WAY OF THE NIAGARA,  
ST. CATHARINES AND TORONTO RAILWAY COMPANY.

Judgment, Mr. Commissioner McLEAN, October 17, 1914.

The Erie and Ontario Railway Company relies in support of its contention that priority of construction, not of approval of location, should govern, on

*Canadian Northern Railway Company v. Canadian Pacific Railway Company*, 11  
*Can. Ry. Cas.*, 432.

*Grand Trunk Pacific Railway Company v. Canadian Pacific Railway Company*, 7  
*Can. Ry. Cas.*, 299.

In the former of these cases no question of title, such as is raised in the present application, was before the board. In the latter, which is known as the Nokomis Crossing Case, two factors were involved, title and priority of construction. The judgment held, at p. 301, that the Canadian Pacific having constructed in accordance with the terms of its enabling legislation was entitled to a grant covering its roadbed, and that the production by the Grand Trunk Pacific of a subsequent Crown grant in no way curtailed the rights of ownership the Canadian Pacific had acquired under prior legislation. It is within the reasoning of the judgment that where title was alleged title was fundamental, and that priority of construction simply emphasized the rights flowing from ownership.

The title in the present case is in the Toronto and Niagara Power Company. The Niagara, St. Catharines and Toronto Railway Company has a right of way on the property of the Power Company. While the title is in the Power Company, the relations between it and the railway are such that the latter has a guarantee of the integrity of its right of way, which while falling short of absolute title savours of the attributes of title. Under this condition, the railway falls within the position taken in regard to seniority of title in the Nokomis Crossing Case, and should be treated accordingly.

APPLICATION OF THE CITY OF MONTREAL TO OPEN CERTAIN STREETS IN LONGUE POINTE WARD,  
OVER THE TRACKS OF THE CANADIAN NORTHERN QUEBEC RAILWAY.

Judgment, Assistant Chief Commissioner SCOTT, October 19, 1914:

At the hearing the railway company admitted that it thought Hector and Des Ormeaux streets might be opened. Recently Mr. Commissioner McLean and I who heard this matter at a sittings in Montreal, visited the different crossings applied for. We agree with the railway company that both Hector and Des Ormeaux streets should be opened.

Dealing with the other crossings applied for, commencing at the east. As Contre-cœur street is only about 200 feet away from Hector street there is no necessity in opening that highway across the railway. De Rocheblave is the next street east from Des Ormeaux. As the latter street is to be opened there is no necessity for De Rocheblave being opened as it is only about 200 feet away. The next four streets west from Des Ormeaux in their order are, Azilda, Baldwin, Lebrun and Mercier. The first three have considerable settlement north of the tracks. There is a highway parallel



## SESSIONAL PAPER No. 20c

to the tracks and adjoining them on the north, and another highway parallel to the tracks on the south so that it is easy to get from one street to another. It is unfortunate that these streets which are at right angles to the railway are so close to each other. There is not more than 250 feet space from one street to another; and, between some it is considerably less than this. The territory north of the railway at this section is growing fast and there is evidence that a considerable population will be found there in the near future. Undoubtedly, protection will be required at some future date at some of these highway crossings. The fact that the tracks of two companies would have to be crossed increases the danger. The policy of the board when ordering protection at a highway crossing is to place more of the cost of protection on a municipality where its highway is junior to the railway company than where the highway is senior.

In the present case therefore, the expense which may be put upon the municipality in the future should be borne in mind.

Considering all these matters, it seems to me that the interests of the public will be best served if none but absolutely necessary crossings over the railway are permitted. I would suggest that the crossing of Baldwin street be allowed; but that of Azilda on the east and Lebrun on the west be refused. Baldwin street is now being paved and because of its location it is the best one to be opened over the tracks. The railway company have a team track across Baldwin street which will either have to be removed from that street or a provision made for preventing cars from being left upon it which will block the view of the crossing. The railway company should carefully consider this matter and submit to the board a statement of what it is prepared to do.

As far as Mercier street is concerned, there is not the same population to the north of the tracks on this street, and at present we see no necessity for it to be opened across the tracks of the railway.

An order should therefore go granting the municipality's application for the opening of Hector, Des Ormeaux, and Baldwin streets across the railway, and refusing its application in the case of the other streets mentioned. The railway company should also show cause within 30 days, why an order should not go for the removal of its team track across Baldwin street, or for some provision which will insure a good view of the railway line at all times at that crossing.

Commissioner McLean concurred.

Ordered accordingly.

APPLICATION TOWN OF VICTORIAVILLE, QUE., *re* EXTENSION OF ALBERT STREET OVER G.T.R. TRACKS.

Judgment, Commissioner McLEAN, October 20, 1914.

The proposed crossing on Albert street produced would cross both legs of the Grand Trunk wye. A suggestion was made that by means of a diversion which would cross the tracks about the tail of the wye and connect with rue Côté, which is marked on the plan as not being opened, what was desired by the municipality might be obtained. To work out the diversion in question, it would be necessary to take part of the land belonging to the religious organization of the Sacred Heart. It is contended by the solicitor for the municipality that, under the laws of Quebec, this cannot be done; and his position is not, after consideration, controverted by the solicitor of the railway company.

It is stated that the town is growing east of the tracks and that this crossing is, therefore, necessary. It is also stated that it would be an advantage to have such a crossing, as it would facilitate the movement of cattle to the stockyards; and that it would be preferable to have cattle moved across the proposed point of crossing rather than to have them travel along the highway of the main street, as at present. The two tracks which would have to be crossed if the crossing were granted are 160 feet apart. Two hundred and forty feet in all of the right of way of the railway would

6 GEORGE V, A. 1916

have to be traversed at the proposed crossing. It certainly would be a very unsatisfactory crossing for driving cattle over, because of the opportunity that would be afforded to the cattle to scatter on the right of way, and with even a slight movement of train traffic this would be dangerous. Nothing was adduced in evidence as to the amount of pedestrian or vehicular traffic that might be expected to cross over at the point in question. It is apparent that to travel 240 feet of the right of way of the railway would be unsatisfactory and would have decided elements of danger. The situation is one which, on account of the layout, would be very difficult to look after with adequate protective devices.

While, no doubt, the existing way of getting across the track has inconveniences attached to it, to grant the crossing at the point asked for is not justifiable from the standpoint of public safety.

Assistant Chief Commissioner Scott, concurred.

Order refusing application, issued.

COMPLAINT OF THE RIVERSIDE LUMBER COMPANY, LIMITED, CALGARY, ALTA., *re* RATES CHARGED BY THE CANADIAN PACIFIC RAILWAY COMPANY ON ITS WEYBURN-LETHBRIDGE BRANCH FROM VICEROY TO ASSINIBOIA.

Judgment, Commissioner McLEAN, October 26, 1914.

Complaint is made that while Order 18381 of December 28, 1912, provided for the opening for the carriage of traffic of the portion of the Weyburn-Lethbridge line lying between Viceroy and Assiniboia, such portion of the line so opened being subject to a speed limitation, the special lumber tariffs from coast and interior mills were not applicable to these points until August 25, 1913.

The application for opening for traffic between the points in question was dated December 23, 1912, and was supported by the affidavit which is required under subsection 2 of section 261. It was set out in the application that "that portion of the Weyburn-Lethbridge branch from Viceroy, mile 75.85, to Assiniboia, mile 112, is sufficiently completed for the safe carriage of traffic and ready for inspection." It may be noted that the affidavit submitted states that the line is "sufficiently completed for the safe carrying of passengers and ready for inspection." The application, however, was treated as one for the carriage of traffic in general.

The report of the board's engineer, dated December 24, found that the road was in shape for opening for traffic, and following thereafter Order 18381 already referred to was issued, the provisions for speed being limited to 20 miles an hour between mileage 75.85 and mile 102, and 15 miles an hour between mileage 102 and mileage 112.

While the order as issued provided for the carriage of traffic subject to no limitation other than that for speed, it appears from a communication from the Verwood Board of Trade that the line had not been taken over by the operating department. When the railway company's attention was drawn to this, it stated that when Order 18381 was applied for it was not the intention to have the operating department take over the line, it being intended simply to give a temporary service to serve the people of the district. The same position was reiterated in the railway company's letter of March 3, 1913, it being there stated that the reason why the line had not actually been taken over by the operating department west of Viceroy was that it was not in good enough condition to stand regular service, and that in order to accommodate settlers the company agreed to bring in supplies for them on construction trains; and the following language was used:

"It seems to me that the company is taking the proper course in giving additional service on this line rather than they should refrain from making any application to the board until the line was so far completed as to be capable of sustaining a regular freight and passenger service."

## SESSIONAL PAPER No. 20c

Additional complaints were received regarding the service afforded, special reference being made to passenger service. In the month of June, 1913, a daily passenger service was installed.

As has been noted, the railway company took the position that it could only give a limited service, and that it was not feasible to operate this service under any other department than the construction department. The application, however, as has been indicated, was made under section 261 of the Act; and when the railway was asked by the board, under date of June 24, when it intended to apply for an order granting leave under section 261 of the Act, it replied that in its opinion the order already obtained covered this. Following this, on application of the railway company, Order 19776 of July 8, 1913, was issued removing the speed limitation.

The history has been summarized because of its bearing upon the tariff situation.

It appears that until after the issuance of Order 19776 of July 8, 1913, the railway was operated by the construction department. The question of construction tariffs, that is to say, tariffs charged during the period of construction, before a line is opened for traffic, was dealt with in *Baker, Reynolds & Co., vs. Canadian Pacific Railway Company* 10 Can. Ry. Cas. 151. It was pled there that these construction tariffs were a public convenience, and that since the operation of the line on which the tariff was applicable had not been authorized by the board when the construction tariffs were issued, it would have been useless to file them as the board would have no authority to approve them. It was held, however, by the board that the tolls charged under construction tariffs were illegal; that under section 261 of the Railway Act, no railway or portion thereof, without the leave of the board, could be opened for the carriage of traffic, other than for the purposes of construction of the railway; that under section 327 of the Railway Act, standard freight tariffs must be filed; and subsection 4 of that section prohibits the company from charging any toll until the provisions of the section have been complied with.

While it was contended that it was necessary to operate the mileage now before the board under the construction department, it was brought within the scope of section 261.

It is the practice of the Canadian Pacific Railway Company to make provision in advance for sufficient standard mileage so that when a line is opened for traffic the standard rates apply automatically. In the present instance, the situation was that as soon as the road was opened for traffic the standard tariffs applied, although the operation was in the hands of the construction department.

The stations on the branch from Viceroy to Assiniboia were first published in the Official Mileage Table of the Canadian Pacific Railway Company on May 29, 1913, there being added the following notation: "Carload shipments will be handled at the convenience of the construction department." As has been noted, the speed limitation was removed on July 8, 1913, and effective August 25, 1913, the company published notice that these stations would be included in their various mileage tariffs; also, effective same date, they issued a supplement to their lumber tariff from coast and interior mills to include these points. This date, August 25, is stated by the company to be the date on which the line was formally opened for traffic; that is to say, the day on which the operating department formally took hold of the carriage of freight.

The distinction between the construction and operating departments, on which so much stress has been laid by the railway company, does not appear to be of moment. What is of importance, regardless of how the traffic was handled, is whether the provisions of the Railway Act in regard to tolls have been complied with.

The applicants express the opinion that if tariffs had been published in accordance with the board's Order No. 18381, shippers would not have been charged the difference between the traffic handled under construction rates and the rates called for by the lumber tariff. As has been indicated, the construction rates referred to are in this



6 GEORGE V, A. 1916

case the rates of the standard tariffs. Order No. 18381, however, made no provision as to the rates to be charged. It is not the practice to make any such provision in an order issuing as this did under section 261 of the Railway Act. As a condition precedent to the issuance of such an order, the board satisfies itself that the mileage to be opened is covered by standard tariffs. Standard tariffs existed for the mileage here referred to; so, in so far as compliance with section 327 of the Railway Act is concerned, the railway company was within the statute.

In general, rates under the lumber tariffs which are involved in the present case were put in force a short time after the opening of the road for traffic. Some examples may be given: On the Shaunavon sub-division, the road was opened for traffic on May 1, 1914; the lumber rates were filed May 5. In the case of the forward sub-division, the opening of the road and the filing of rates took place on the same date, viz.: August 25, 1913. In the case of the Neptune sub-division and the Lensford subdivision, the opening of the road and the filing of the rates also took place on the same date. In the case of Sterling subdivision, the opening of the road took place on December 2, 1913, and the rates were filed on February 17, 1914. In the case of the Suffield subdivision, stations Armilgra to Retlaw, inclusive, the road was opened on December 6, 1913, and the rates were filed January 30, 1914. In the case of the Boissevain subdivision, the road was opened December 26, 1913, and the rates were filed January 2, 1914.

There is not, then, a violation of rates prescribed by the board or a refusal to put in rates so ordered.

The situation as to the lumber rates requires some further consideration. These rates are special mileage rates, which, within their territory are of general applicability, and do not vary from one portion of such territory to another with differences in the condition of the traffic or of the cost of operation. As to the portion of railway concerned in the present application, the situation is that the lumber rates which were at the same time in force on other lines were not put in force here until August 25, 1913.

Does the fact that the mileage in question was operated under the construction department differentiate this mileage from the mileage comprised in other portions of the system and operated by the operating department? Manifestly not. A railway, or portion thereof is either, on the one hand, not open for traffic, or, on the other hand, it is, under section 261, either open for traffic or given leave to carry traffic. There is no half-way house recognized by the statute; and the order opening the mileage in question puts it in the same position as any other section of the mileage, if the question of discrimination arises.

The railway company has spoken of the difficulties attaching to a temporary service afforded by the construction department. The attempt of the railway company to give a service at the earliest possible moment is laudable. But the praiseworthiness of the attempt affords the board no justification for enlarging the statute.

In the matter of the complaint made by J. W. Lenhart of Mazenod, Sask., File 21688, which was decided on July 20, 1914, the situation developed that the Canadian Northern Railway Company had omitted to give a town tariff from Regina to Mazenod, although it is within Regina's distributing radius. The railway company had included in the Regina town tariff Avonlea and other points on the Moosejaw-Rodney line. It had also covered the line from Radcliffe to Bengough, that is to say, in the case of these town tariff rates which were of general applicability within Regina's distributing radius, Mazenod had not been given the same treatment as other points.

In the present case, the situation is that an unreasonably long time was allowed to elapse before the special lumber rates, which were of general applicability, were made applicable to the mileage in question. The road being opened for traffic, this delay in installing the rates created an unjust discrimination. This is as far, however, as the declaration can go. The board has no power to direct refunds. The rates complained

## SESSIONAL PAPER No. 20c

of as discriminatory have been removed, and with them the cause of complaint has also been removed.

Concurred in by Chief Commissioner Drayton.

APPLICATION OF THE TOWN OF LISTOWEL FOR THE CONSTRUCTION OF AN INTERCHANGE TRACK  
AT THAT POINT, BETWEEN THE C.P.R. AND THE G.T.R.

Judgment, Assistant Chief Commissioner SCOTT, October 26, 1914.

This is the second time the town of Listowel has applied to the board for the construction of an interchange track between the Canadian Pacific Railway and the Grand Trunk Railway.

The first application, which was made in 1908, was dismissed by order of the Board No. 6673, dated March 26, 1909. The last paragraph of that order reserved to the applicant leave to renew its application at any time if a change in the conditions and circumstances rendered necessary a physical connection between the two railways at Listowel.

The Canadian Pacific Railway station at Listowel was opened for traffic on July 1, 1908. In a statement which they submitted to the board on the first application, the traffic up to December 8, 1908, showed 57 carloads received. In the year 1913, it appears, from the Canadian Pacific Railway statement in the present case that 250 carloads were received over that company's lines at Listowel. Traffic to and from Listowel has undoubtedly increased in recent years; but, the chief circumstance, which was not before the board on the first application and which the town now urges as a reason why its present application should be granted is, that the well known food produce concern of Libby, McNeill & Libby has intimated to the municipality that it will establish a branch of its business in Listowel if interchange between the two railway companies at Listowel is established.

From a statement submitted to the board by his worship the mayor, it appears that in the year 1913, 790 carloads of traffic were handled by thirteen concerns in Listowel. Of this number 531 came from points that were served by both the railways, and 87 cars were teamed to consignee's premises because of lack of interchange facilities at Listowel.

Each railway company has an industrial track at Listowel upon which a number of industries have been located; and, while the industrial track is common to several different industries no difficulty appears to have arisen with regard to the placing or removing of cars at the different factories. The industrial tracks may really be considered as the private sidings of the different industries they serve. Teams are sometimes loaded or unloaded at cars placed on these industrial tracks; but, that is merely an incidental use of the tracks as they are not really team tracks at all.

Were it not for the contemplated establishment of a factory of the Libby, McNeill & Libby concern at Listowel the board would hardly be justified on the existing traffic in granting this application; but, if this food produce concern establishes the factory at Listowel, it is contended that it will at least ship 500 cars; and that, that increase in the traffic would warrant the establishment of an interchange.

At the hearing it was made quite clear that the Libby concern had refused to establish its factory at a place where it could be served by both railways by private siding, because the location was not a suitable one for its purposes. The site decided upon by the Libby Company is adjoining the Grand Trunk. This site possesses special advantage with regard to water, drainage and facilities for the delivery of milk at the factory. The Libby Company refuses to establish in Listowel unless it is to have the advantage of interchange as it contemplates large carload shipments to exclusive points on each railway.

With regard to the physical conditions respecting the constructing of interchange tracks; the board has had the benefit of a report from its engineer which states that at

6 GEORGE V, A. 1916

a point near Reserve street where the tracks of the two companies parallel each other, an interchange track could be easily constructed at a reasonable cost.

The town is most anxious to have this interchange constructed, because it believes that the establishment of the Libby, McNeill & Libby concern in Listowel will be of very great benefit to the town.

I think we might grant the application, on the condition that the interchange track was not to be constructed until the Libby factory was erected; and, on the further condition that the town contribute one-third of the cost of the installation of the interchange. The balance to be divided equally between the two railway companies. When the interchange is established, the general interswitching order of the board will apply to all movements to or from the Industrial tracks of the two railway companies mentioned above.

Commissioner McLean concurred.

Order in accordance with judgment, issued.

APPLICATION OF THE HEPWORTH SILICA PRESSED BRICK COMPANY, LIMITED, OF HEPWORTH, ONTARIO, FOR AN ORDER DIRECTING THE GRAND TRUNK RAILWAY COMPANY TO CONSTRUCT A SPUR TO THE PREMISES OF THE APPLICANT COMPANY AT HEPWORTH, ONTARIO, AND COMPLAINT AGAINST THE SWITCHING CHARGE OF \$2 PER CAR PROPOSED TO BE CHARGED BY THE GRAND TRUNK RAILWAY COMPANY.

Judgment, Chief Commissioner DRAYTON, October 28, 1914:

During the course of the hearing, the railway company contended that a rate of \$2 per car should be allowed for all cars moved over the switch in question, and argued that, in the absence of such rate, no rebate could be ordered by the board as contemplated by section 226, owing to the fact that there would be no fund out of which the rebate could be paid. At the close of the hearing, my judgment, delivered in brief, was as follows:

"As I have said, we do not think—perhaps entirely incorrectly, as you submit, Mr. Chisholm—that we can deal with the general question which you really are raising, on a single issue of this kind."

"It would be entirely unfair to start out with a peculiar charge, a new charge as against this particular industry, which has shown no material which is not really challenged by the railway company, that it is entitled to a switch under the provisions of section 226 of the Act. If we did that, we would be according one class of treatment to the rest of the people engaged in the brick business and another to this company."

"On the other hand, nothing which we will do to-day will have anything to do, one way or the other, on a proper application, to prejudice your railway, in asking that it shall be allowed a proper switching charge having regard to the length of this particular switch."

"We, therefore, think that an order should be made under section 226 of the Act, that is, the section under which we can compel the construction and that order, Mr. Walsh, is not an order which deals with the whole cost of construction. In the forced section, that is the only order we can make."

"An order will, therefore, go for the construction under section 226, with a further modification of the terms which the parties have said were discussed the question as to refund is a matter entirely for the board under that section. This is a comparatively long switch. The traffic moving takes a low rate, so that, under the circumstances, instead of asking the railway company to rebate at the rate of \$2 per car, the company will rebate at the rate of \$1 per car."

In view of the importance of the issue, fuller reasons for the action of the board should now be given.



## SESSIONAL PAPER No. 20c

The clause under consideration, subsection 3 of section 226, first appeared in the Railway Act, 1903, as section 176, subsection 2. Before the legislation many sidings of the character in question had been installed as matters of agreement between the railway companies and shippers interested. While there may be isolated cases which have been overlooked by the traffic department, the department reports that the tolls which were invariably charged were tolls based upon the transportation service as a whole, without any attempt in any case being made to collect a charge for the so-called additional railway service.

The railway practice and the service afforded shippers at the time the legislation in question was enacted, required the construction and operation by companies of freight spurs, sheds, and team tracks, as well as the breaking-up and sorting yards adjacent to the respective terminals. In so far as the breaking-up and sorting yards are concerned, these were necessary for the work of the railway, apart entirely from any direct service to shippers, who, speaking generally, have no access to them either for loading or unloading at such points. The cars being segregated, they are distributed to different points at the terminal to which they are ordered—some of them to team tracks, some to industrial tracks, and others to freight sheds or stock yards. Team tracks and freight sheds have to be provided and maintained by railway companies as part of the necessary facilities they are bound to provide, and they must be reasonably adequate and sufficient. The industrial tracks are in effect substitutes for team tracks in so far as the heavier classes of merchandise are concerned, and they take the place of freight-shed accommodation for the higher grades of merchandise. Their installation, laid as they are upon the property of the shipper, is, therefore, in ease of the public team tracks and freight-shed accommodation. Their operation does not of necessity constitute any additional railway service. Apart entirely from the saving that results to the company from its being able to use its own facilities for the purpose of other business, in some cases the actual mechanical operation is cheaper, while in others, of course, owing to the length of the spur, it would be more expensive unless the shorter haul was accompanied with more switching movements. In the same way, the handling of business within a terminal entirely on company-owned facilities varies very much. The Montreal and Toronto terminals cover in their switching area many miles of track. Some deliveries mean a great deal of switching and engine work, while others are attended with a very small cost. In Ottawa, for example, the Grand Trunk has its freight yard and some of its public team tracks at Elgin street. In a movement from Montreal consigned to the Eddy Company, the car must, in the first instance, be taken to this yard and afterwards shipped to the company's public team delivery tracks adjacent to the Eddy works, involving an extra movement of over two miles at the same toll as in the case of a delivery at Elgin street. The switch in question is shown on the plan to be 4,200 feet in length.

Subsection 2 of section 284 is as follows:—

“Such adequate and suitable accommodation, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding, and delivering traffic upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways.”

From this, it will be noted that the duty of placing cars and moving them upon and from private sidings is placed upon the railway company.

It has been held in England that it is only a reasonable facility, that a company should be willing to run over a portion of a foreign line to collect traffic where such line has been conveniently planned for its access to it, and where the company has no reserve line of its own; and where traders had laid down sidings adjoining a railway company's line and had made junctions with that line, with the approval of the company's

engineer, the commissioners considered that, after they had brought their trucks (*sic*, cars), as near to the main line as they could with safety, and had arranged them in proper order, they were entitled to have them taken off by the company without extra payment. The English practice, however, does not seem to be a matter of much importance, owing to the fact that it is based upon an entirely different statute. In England, the cost of the industrial siding does not appear to be repaid; in place of this, the shipper is entitled to receive an allowance or rebate on the traffic moving over his siding, because the railway company does not, in that instance, provide station accommodation or perform terminal services (57 & 58 Victoria, chapter 54, section 4.)

There is not much difficulty in arriving at the amount of the rebate to be allowed, as, under the established railway practice in England, freight rates are divided into two amounts; that charged for the line haul, and the sum of the station terminal rates.

The English statute defining the obligation of the railway company as to the facilities to be furnished with respect to private sidings (4 Edward VII., cap. 19), closely follows the corresponding section in our Act (section 284, subsection 3) except that the statute does not in terms require the railway company to place cars upon and move them from a private siding.

As to the nature of the service, reference may be had to *Interstate Commerce et al. vs. Atchison, Topeka, and Santa Fe Railway et al.* (Judgment of Supreme Court of the United States delivered June 8, 1914.)

In Canada railway companies' tariffs include not only the line haul rate from destination to destination, but also cover the railway services in receiving and delivering merchandise at team tracks or in freight sheds expressed in a lump sum.

The result of a special charge for working the substituted facility, which, as already pointed out, may or may not be more expensive, would in effect—at least in many instances—be a direct increase in the transportation charge.

In the case of *Grand Trunk Railway Company v. Christie, Henderson, & Co.* (9 C.R.C. 502), at the time the switch was ordered, provision was made for the payment of a switching charge of \$3 per car. At a hearing, the railway company relied on an order made in the case of the Pilon spur on the Canada Atlantic Railway, and, in a reserved judgment delivered by the late Chief Commissioner, the Honourable Mr. Justice Mabee, it is stated that:—

“When the board made the order requiring the company to put this spur in, a provision was made for the payment of a switching charge; but there was then no information furnished to the board that it had been the custom of the company for many years to perform the like service without making an extra charge,—the law requires all to be treated alike, and it is absurd for the board to require Messrs. Christie, Henderson & Co. to make payments for services that the railway company makes no charge for at other industrial plants.”

The length of the haul in the Pilon case was two and a half miles from the station; and, by a later judgment of the board, the switching charge complained of by Pilon was disallowed (*Pilon v. Grand Trunk Railway Company*, 16 C.R.C. 433).

These decisions do not mean that railway companies are not entitled to collect the full mileage rate, but simply that an arbitrary charge shall not be made as against “A”, while, under similar circumstances, no such charge is made against “B”.

As a matter of fact, however, in the case of these comparatively outlying spurs, the exact mileage rate is often not of real importance.

Brick, the merchandise manufactured by the applicants, always moves under commodity tariffs. Such tariffs are as a rule put in voluntarily by the railway companies, on the application of manufacturers and are made from the point of manufacture to points towards which business moves in sufficient quantity to justify the making of special rates.

## SESSIONAL PAPER No. 20c

Since the hearing, on June 19, the Grand Trunk Railway Company issued Supplement 209 to C.R.C. No. E-2552, effective June 30, 1914. This tariff, among other rates, gave a commodity rate of  $6\frac{1}{2}$  cents per 100 pounds on building brick (except enamelled or glazed) from Hepworth, where the applicant's factory is situate, to Toronto, and one of  $12\frac{1}{2}$  cents from Hepworth to Montreal; and, on September 17, 1914, the said company issued supplement 248 to C.R.C. No. E-2552, giving a commodity rate of 7 cents per 100 pounds on building brick (except enamelled or glazed) from Hepworth to Waterloo,—the said tariff to become effective September 21, 1914.

In voluntarily making these tariffs the railway company undoubtedly thought that the rates, which are but slightly related to the mileage rate, were necessary in order to create traffic for its lines, or else that in view of commodity rates already granted by it to other brick manufacturers, the neglect to extend them in these cases would constitute an unlawful discrimination.

The result is that the railway company may be driven to attempt to make a special charge for services on spurs of the class in question. The merits of such a charge can properly be passed on only after appropriate tariffs have been filed, and the different interests involved have been heard by the board.

The practice of the board, therefore, as well as the practice of the railway companies, since the section in question was enacted, is similar to the practice of the railway companies before that time. The section itself reads as follows:

“The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the said spur or branch line.”

The board has construed this section in the past as obligatory, and has, therefore, invariably ordered refunds to be made as contemplated. These refunds have varied from time to time and have been based upon a percentage of the earnings, or more frequently upon a direct allowance per car,—a refund at the rate of \$2 a car being perhaps the usual practice. Mr. Chisholm's contention, if correct, would abolish all refunds. His argument in short is that, unless the board allows a special charge to be made for the carriage of traffic over the spur, in addition to that chargeable under the tariffs already in effect, there is no fund from which the rebate can be made. I have been unable to find that the point has ever before been taken. There is no reported case on the subject, nor have I been able to find any unreported case on the board's files. The question is dealt with in McMurchy & Denison's work on Railway Law, second edition, page 281, as follows:—

“the expense to be repaid to the owner by allowing a rebate upon the freight charges due in respect of every car of freight shipped in or out upon the siding.” .....

Under the provisions of the Railway Act, tariffs of all railway tolls have, in the first instance, to be filed by the railway companies; and none covering services on a private spur has yet been filed. As has already been pointed out, this practice has not obtained; a charge has not been made and was not made at the time the legislation was enacted. The result is that if the right to rebate is limited to cases where a toll is charged for the movement on the spur, the provision as to rebate is entirely idle, and in-operative, and of no effect. Bound, as I am under the authorities, to give effect to the statute, if the wording thereof admits of such a course, I find that the right to rebate is not thus limited, and that the effect of the statute is only to limit rebates to freight charges due on cars which have passed over the spur in question, with the right to the board to order rebates either in proportion to the amount of the tolls charged or by a fixed charge per car. The limitation, if I may say so, is also



reasonable and proper. Large plants frequently have different methods of getting their produce in and out, and it would be entirely unfair to compel a railway company to rebate to such an industrial concern the cost of a spur which it might never use.

I am of the opinion that the object of the statute was to compel railway companies to furnish the facility, instead of leaving the construction of spurs entirely to the discretion of the companies under the section requiring them to place all traders on an equal basis—the basis of those already favoured; and this basis was, as pointed out, not subject to any special or arbitrary charge for the use of the spur. While effecting this object, Parliament protected the carrier; for, if it turns out that there was not sufficient business to warrant the construction of a spur and that traffic does not move over the spur after construction the loss is on the trader and not on the carrier.

Assistant Chief Com. Scott and Commissioner McLean concurred.

AN APPLICATION BY THE CITY OF FORT WILLIAM, ONT., FOR AN ORDER DIRECTING THE CANADIAN PACIFIC RAILWAY COMPANY TO PROVIDE A SPUR FROM ITS MAIN LINE, FORT WILLIAM, ALONG NEEBING AVENUE, CROSSING THE CANADIAN NORTHERN RAILWAY AT GRADE, AND THE STREET RAILWAY AND THE HIGHWAY ON MONTREAL STREET, SO AS TO CONNECT WITH A SPUR TO INDUSTRIES OF APPLICANT. ALSO FOR AN ORDER ALLOWING THE CONSTRUCTION OF THE SPUR ACROSS THE GRAND TRUNK PACIFIC BRANCH LINE ON MONTREAL STREET.

Judgment, Chief Commissioner DRAYTON, October 28, 1914.

The order under which the spur in question was constructed was made on the application of the city of Fort William, under sections 226 and 227 of the Act.

Under these circumstances, the cost of construction must be borne by the applicant. The board had no jurisdiction to order construction any other way, unless upon an application by the company itself under section 222.

The usual estimate as to the cost of construction was made by an officer of the board, his estimate calling for \$4,700. This amount of money was paid into a bank by the applicant and the construction was proceeded with; but unfortunately the cost exceeded the estimate by \$2,103.91.

The company subsequently applied to the board for an order directing the applicant to pay to the company the said sum of \$2,103.91; and judgment was reserved, in order that the whole question might be looked into carefully by the board's engineers. An engineer has since reported that the amount charged for the work done is reasonable and should be paid.

The result is, of course, unfortunate. An estimate deliberately made should always if possible cover the ultimate cost of construction. At the same time, it is just as important to an applicant that the estimate should not be over as that it should not be under the probable cost. If, in order to be on the safe side, an estimate is made much in excess of the actual cost, the difficulty of obtaining a desired facility is aggravated.

In this particular case, the estimate was only for the cost of the construction of the spur. It was entirely an estimate of that construction, apart from the interlocker protection which it has been found necessary to install.

It may be said that, in the first instance, the estimate should have covered the cost of necessary protection, even though at that time no interlocker had actually been ordered. Possibly so; but it may be added that the applicant has not been damaged by not knowing that the work, so necessary and important to it, would cost upwards of \$7,000, instead of \$4,700; and it is proper to observe that it has saved some interest on the extra money required.

Further, it may be noted that, under the section, the estimate is merely an estimate; it does not fix the ultimate liability of the parties, one way or the other. If it is excessive, the applicant gets a refund. If, on the other hand, for some special reason,

## SESSIONAL PAPER No. 20c

as in this case, or if, during the course of construction the discovery of a quicksand pit or anything of that character prove the estimate to be entirely too small, the liability of the applicant still exists. The scheme of the statute is that the cost of the industrial spur which the applicant desires shall, in the first instance, be thrown upon him, and not upon the company; and the order in this case, as in all such cases, provides that if any dispute arises as to the construction or operation of the spur, or as to the expense thereof, the dispute shall be referred to the board; and that, in the event of the work costing more or less than the sum estimated, the difference shall be adjusted by the board. So, under the terms of the statute, we have no alternative, we have simply to direct payment by the applicant of this additional sum of \$2,103.91.

I pointed out, at the hearing, that as all this cost had to be rebated out of tolls charged for traffic over the spur, the company might well forego its claim for the payment of the additional sum. This, however, the company has declined to do; and upon its insisting on its rights, the section entitles it to the payment of the amount mentioned above.

Commissioner Goodeve concurred.

Order issued, directing applicants to pay *pro rata* to the Canadian Pacific Railway company the additional sum of \$2,103.91; the Canadian Pacific Railway Company to repay or refund to the industry owners, or their assigns, by way of rebate, one-half the tolls charged by the said railway company in respect of the carriage of traffic over the said spur, until the said additional sum of \$2,103.91 has been repaid by the railway company to the said industry owners, or their assigns.

COMPLAINT BY THE CITIES OF VANCOUVER AND NORTH VANCOUVER, B.C., AGAINST THE CHANGE  
OF PLANS OF THE NORTH VANCOUVER FERRY PEDESTRIAN SUBWAY BY THE CANADIAN  
PACIFIC RAILWAY COMPANY.

Judgment, Chief Commissioner DRAYTON, October 29, 1914.

The cities of Vancouver and North Vancouver protested against the manner in which the Canadian Pacific Railway Company had done the work of the construction of the subway in question. It was charged that the plans had been altered after they had been approved of by the company and the contract had been let; that the work had been made extravagantly and quite unnecessarily expensive; and it was urged that the sum of \$1,100 should be deducted from the part of the cost which the municipalities have to pay, and be borne entirely by the railway company.

At the hearing, the board was of the opinion that, if the matters which the cities complained of as unnecessary, not being covered by any plan, were merely details involved in the working out of the contract, such as would be covered by the usual clauses as to extras unavoidable in a work of that kind, the work should be considered such as was contemplated by the original order, and the application should be dismissed. If, however, the changes were of moment—such as amounted to an unauthorized method of construction, the whole cost should be borne by the railway company.

The complaint was referred to one of the board's assistant engineers, Mr. Kerr, of Calgary, to take up with the engineers of the parties—to go over the plans and the work with them, in order to establish clearly and definitely what changes, if any, had been made in the plans and were protested against by the applicants.

Mr. Kerr's report was furnished to the parties interested as far back as July 21, 1914; and they were asked to make thereon such comments or suggestions as they might think proper; but, so far, nothing has been received, except a recent suggestion by the applicants that the board issue an order on Mr. Kerr's report, which report is as follows:—

“At the board's hearing held in Vancouver on June 10, the chief commissioner instructed me to go over these plans and let him know exactly what these

changes are and exactly whether the changes which have taken place are changes of the character which should have been provided by a proper detailed plan, and which should and would in the ordinary course have been covered by and checked by the railway company before the contract was signed, or whether these are changes of a subsequent character of which I mention something only of necessity incidental to the carrying out of a work of this kind.

"I have indicated in the attached blue print the changes that have taken place. The plan approved of in August, 1913, indicated the general type of the structure which the company would be agreeable to have the city construct under its tracks, at the same time reserving the right to approve the bridge company's detailed plans and make any change deemed advisable, which is the recognized practice. The city awarded the contract for the steel work to the Canadian Northwest Steel Company, Vancouver. Detailed plans for fabrication purposes were prepared by this company and handed to the railway company for approval. The railway company made some small revision in these details to bring them in line with their standard practice, and the changes that were made were changes of a character incidental to the carrying out of a work of this nature. The changes comprise the substitution of plate diaphragms at the end of the I-beams for channel diaphragms as indicated in red on the attached blue print (see plan of floor). Another addition was made by the railway company for having placed an inverted angle on upper flange of the plate girder on each side of the bridge, shown in red, section C.C. The cost of these additions should be paid by the railway company and is provided for in the schedule of extra prices, page 2 in the contract between the city and the contractor, being item 1, structural steel  $\cdot 06\frac{1}{2}$  cents per pound erected (copy of contract attached), amounting in all for extras to \$168.22.

"Claim for extra riveting alterations of rivet pitch from a wide to a close spacing in the floor plates. The approved of general plans show there is no change in this.

"The only point in the general approved of plan where close spacing is required is on the shelf angle on the fascia, or ballast girder, and it is even more important to have this close spacing where floor plates splice on I-beam, as the floor plate is partly depended upon to distribute the live load transversely over the requisite number of I-beams required to carry each track. It is necessary that where it is spliced over an I-beam the rivets connecting it to that I-beam be at close pitch, while at intermediate I-beams close riveting would not be necessary. These plates being 2 feet 6 inches wide by over 30 feet long, were placed longitudinally with the tracks, which required them to splice at each alternative I-beam (as the I-beams are 15-inch centres), thereby requiring two rows of close spaced rivets at every alternate I-beam.

"The railway company had nothing to do with the deciding on the width of these plates. If the bridge company chose to use a plate 2 feet 6 inches wide by 30 feet long, they had a perfect right to do so. The railway company also had the right to see that a sufficient number of rivets were put in at these splices to give them the results they required. By adopting plates 5 feet wide or 7 feet 6 inches, the splices required for the former width would have been over every fourth I-beam and for the latter over every sixth I-beam, thereby requiring one-half the rivets (in the former case), and one-third the number (in the latter case), of the close-spaced rivet lines required by the width of the plates employed. Placing these plates transversely with the track, the number of lines of close-spaced rivets would have been reduced to a minimum. This, of course, was out of the question, as all the tracks would have to be lifted, consequently closing up traffic which would have been costly to the city.



## SESSIONAL PAPER No. 20c

"Therefore, by laying the ballast plates longitudinally with the track, one track would only be obstructed for a time.

"Under these circumstances, I do not see where the railway company has any right to pay for the extra riveting as charged, wholly brought about by the bridge company adopting a narrow plate."

Mr. Mountain, the board's chief engineer, whose duty is to pass upon the reports of the assistant engineers, states:—

"I concur in all Mr. Kerr's report, except the paragraph in which he suggests charging the Canadian Pacific Railway Company \$168. This is what is known as an inverted angle. It has nothing to do directly with the strength of the bridge, but has to do with the waterproof floor by preventing moisture from getting in behind it on the inside facing of the girder. It is used by the Canadian Pacific Railway Company on a modern structure similar to this, crossing Aqueduct street in Montreal, and the plans were approved by the board's chief engineer and I approve it here, and do not think the charge should be upon the Canadian Pacific Railway Company at all, but on the city. I agree that the riveting is quite proper and it should be charged to the city. I carried on the correspondence with the engineers in connection with this matter, and I urged the Canadian Pacific Railway Company's engineer to hurry up the details. These details are checked up by Bridge Engineer Motely in Montreal and this structure was in the other side of the country in Vancouver, and he naturally had some correspondence with the division engineer at that point, which would account for some of the delay. Under the order, I do not think any part of this is chargeable to the Canadian Pacific Railway Company."

The whole question is reduced to an item of \$168.22, which Mr. Kerr thinks should be paid and which Mr. Mountain thinks should not be paid by the railway company. In this connection, it may be stated that Mr. Mountain had knowledge of the details and the approval of the plan, with which he had directly to do, as also of the practice which obtains in work of this kind at other points. I find, as a matter of fact, that the railway company, in the construction of other works over highways where the whole cost is on the company—as in the case of new works over a highway—use the same kind of construction as was used in this case. The extra in question is not for work of special importance to the railway company as such, but for work which will make the structure more serviceable to those who use the subway—done with a view to make the waterproofing of the superstructure more efficient, and add to its durability.

The work complained of is in character merely a detail, and one which was not introduced by the railway company with a view to its own advantage, but really in the interest of those who use the subway; and, under these circumstances, I am of the opinion that, on this application, no order should be made against the company.

Commissioner Goodeve concurred.

Order dismissing complaint issued.

PARK AVENUE CROSSING, OVER THE CANADIAN PACIFIC RAILWAY COMPANY'S TRACKS, MONTREAL.

Judgment, Assistant Chief Commissioner SCOTT, November 9, 1914:

The city of Montreal has applied to the board for an order declaring that the way of communication used as a means of access at Park avenue, between territory of the city of Montreal north west of the line of the railway company between Atlantic avenue and Beaumont avenue, and the territory southeast of the railway, is a public highway crossing over the said right of way of the railway company.

Since the hearing, Commissioner McLean and I who heard this matter have had an opportunity of visiting the location on the ground. There is little dispute between the city and the railway company as to the facts. The crossing in question was a farm crossing originally. It has been used by the public for a period of time varying in the opinion of the different witnesses from 10 to 18 years. It is now heavily travelled. A statement submitted, showed 1,811 pedestrians, 1,718 vehicles, and 32 engines passed over the crossing in a period of twelve hours. At one time there was a gate at the crossing and it was sometimes closed by the railway company, although not at frequent periods. The gate posts are still standing. The space for vehicles between the posts is about 10 feet. This feature of the crossing makes it resemble a farm crossing more than a public highway crossing. The fences are not return, and there are no cattle guards as at highway crossings. There are no highway crossing signs. The public who have been crossing at this point have been trespassers upon the railway company's property, or mere licensees at best.

It has been decided by this board on a number of occasions, that to fix a railway company with a portion of the cost of constructing a highway crossing over the railway in accordance with the board's specifications, or of protecting the crossing that there must be some act on the part of the railway company which might be taken as a dedication of a highway crossing to the public.

In the case of the Village of Weston *vs.* C.P.R. and G.T.R., 7 Canadian Railway Cases, page 79, Judge Killam, on facts very similar to those found in this case, put all the cost on the municipality of converting an illegal level crossing into a legal highway crossing.

In the case of Royce avenue, Toronto, which is found in the proceedings of this board, volume 107, at page 6746, Judge Mabey in distinguishing that case from the Weston case just referred to, used the following language:—

"Now in that case (The Weston Case) the public who were using that portion of the ground that was contended as being a highway, were mere licensees at best; possibly they were trespassers. The railway companies did everything they could to prevent any inference of intention to dedicate that portion of their lands to public use as a highway crossing. Now the facts in this case are that no matter what may have been the position prior to 1884, on the 9th of June the Canadian Pacific Railway Company with the Clarks entered into an agreement whereby they agreed to open, or rather to widen an existing crossing known as the Laughton crossing over their tracks from 33 to 66 feet wide, by dedicating—although that word is not used in the agreement it must have been by dedicating—the adjacent 33 feet to be added to that 33-foot crossing in order to make a 66-foot crossing at that point. In the month of November of the same year the Grand Trunk practically did the same thing over their railway lands. By virtue of these two agreements then in 1884 the persons in that vicinity obtained the right to cross over the lands of the Grand Trunk Railway Company and the Canadian Pacific Railway Company from the southern terminus of where it was intended to locate Royce avenue to the street known as Dundas street on the other side of the track. Now unlike the Weston Case, here the railway companies in 1884, 28 years ago, did everything they could to convey this property to the public for a highway crossing."

In the present case there has been no such dedication by the railway company and there is no legal highway crossing at the point in question. The crossing is heavily travelled, and it should be made a legal highway crossing and it should be protected. No portion of the cost should be put on the railway company.

All parties seem to agree that there should be gates with night and day watch men to protect this crossing, when it is made to comply with the specifications of the board.

## SESSIONAL PAPER No. 20c

An order should go authorizing the municipality to open Park avenue across the tracks of the railway company; on condition that the crossing be protected by gates, with night and day watchmen.

While, as I have pointed out, nothing has been done at this crossing which would fix the railway company with responsibility which would warrant us in placing a portion of the cost of protection on it; nevertheless, it is a way of communication under the Act. The public are using it and it should be made safe for that purpose. It was a way of communication in existence prior to the first day of April, 1909. Therefore, a contribution of 20 per cent of the cost of the construction of a proper crossing and the gates to protect it, can be made out of The Railway Grade Crossing Fund. The rest of the expense must be borne by the municipality.

In giving a contribution out of The Railway Grade Crossing Fund in this case, we are following the decision of the board in the case of Simplex avenue, town of St. Pierre, P. Q., (File 4813). Judge Mabee's judgment in that case is to be found in the printed volume of judgments of the board, for the year 1911, at page 192.

Concurred in by Mr. Commissioner McLean.

APPLICATION OF THE CANADIAN NORTHERN ONTARIO RY. CO., TO CONSTRUCT THE LINES AND TRACKS OF PROPOSED JOINT SECTION WITH THE CAMPBELLFORD, LAKE ONTARIO AND WESTERN RY. CO., ACROSS FRONT AND PINNACLE STREETS IN THE CITY OF BELLEVILLE, ONT., AND TO DIVERT THE TRAFFIC WHERE SAID LINES CROSS WATER STREET VIA JAMES AND DUNDAS STREETS.

APPLICATION OF THE C.L.O. & W. RY. CO., UNDER SECTIONS 178, 222 AND 237, FOR AUTHORITY TO EXPROPRIATE CERTAIN LANDS IN THE CITY OF BELLEVILLE, ONT., FOR THE PURPOSE OF ESTABLISHING COMPANY'S TEAM YARDS, AND FOR AUTHORITY TO CLOSE DUNDAS STREET BETWEEN NORFOLK AND KING STREETS AND DIVERT IT TO BROOK STREET BY WAY OF NORFOLK AND WILLARD STREETS, AND TO CLOSE MARY AND JAMES STREETS BETWEEN THE NORTHERN LIMIT OF DUNDAS STREET AND THE SOUTHERN LIMIT OF THE RIGHT OF WAY OF THE C.N.O.R., AND TO DIVERT THE TRAFFIC ON SAME BY MEANS OF A GRADE LEVEL HIGHWAY CROSSING IN THE VICINITY OF THE INTERSECTION OF KING AND WATER STREETS, AS INDICATED ON THE PLAN.

APPLICATION OF THE CITY OF BELLEVILLE, ONT., PER J. W. EVANS THAT THE BOARD RE-OPEN AND RE-CONSIDER ALL THE QUESTIONS INVOLVED IN THE GRADE CROSSINGS OF STREETS, BY THE LINE OF THE C.N.O. RY., AND THE LINE OF THE C.L.O. & W. RY.

Judgment, Mr. Commissioner McLEAN, November 11, 1914:

On the 1st of May, 1913, there was heard in the city of Belleville an application of the Campbellford, Lake Ontario & Western Railway Company to approve a certain portion of its location.

On the same date, viz., May 1, 1913, at the same place, there was heard the application of the Campbellford, Lake Ontario & Western Railway Company for authority to construct a bridge over the Moira river at Belleville; and, thereafter, under date of August 7, 1915, Order No. 19964 issued, authorizing the construction of the bridge, in accordance with plan No. 49783 on file with the board under file No. 3701-245.

On the same date, there was also heard, at the same place an application of certain ratepayers, on behalf of the Corporation of the city of Belleville, for an order directing as follows:

"That the present Canadian Northern Ontario Railway Company's bridge across the Moira river be raised at least four feet, and that there be made on Front street a subway having at least eleven feet clear in height; (2) that the crossing on Pinnacle street be a level crossing, paved on each side; and that the grade leading up to the crossing do not exceed two per cent; (3) that Church



street remain open and that a level crossing be maintained there; and that the grade on each side of the track be not more than a two per cent grade on the roadway; (4) that an overhead bridge, not only for foot-passengers but for drays besides, be built on George street across the tracks of the said railways, the north end of such bridge and approach thereto, or any bridge that may be built, to extend northerly on George street so as to have as easy a rise from the said George street road up the incline and over the top of the said bridge; (5) that Newberry street be made straight and that the tracks be kept clear at this point; and that this street be of the width of sixty-six feet and be well ditched and well made and of the best possible grade; (6) that Foster street be provided with a proper crossing with all safeguards; (7) that provision for the opening of Dufferin street be made; (8) on the west side of the river Moira a subway should be built at the foot of James street for the use of those occupying the sheds and factory to the south and the other lands which are considerable in extent and suitable for factory purposes; (9) that there should be at the foot of Mary street an opening under the said tracks to permit the city waterworks to place a main thereon so as to be able to have a hydrant on or near the property now occupied; and (10) there should be provision for a level crossing at what is known as the Bridge Road; and that the grade on each side of the said road should not exceed two per cent."

Following this, reasons for judgment were issued on July 25, 1913, and Order No. 20609, of October 15, 1913, based on these reasons issued. This order provided in clause 2 of the operative portion thereof that the application by the city to lay a water pipe under the tracks of the Canadian Northern Ontario Railway Company at the foot of Mary street should be authorized, and provided in clause 3 thereof that the rest of the application on behalf of the city be, and it is hereby, refused.

This order also approved the location of the Campbellford, Lake Ontario & Western Railway through Belleville, subject to what had already been done under Order No. 19651.

Under date of February 12, 1914, application was made by the Canadian Northern Ontario Railway Company for authority to construct the lines and tracks of the proposed joint section of the Campbellford, Lake Ontario & Western Railway Company across Front and Pinnacle streets, in the city of Belleville, and to divert the traffic where the said lines cross Water street via James and Dundas streets.

In answer to this application, the city, under date of February 25, 1914, in filing its answer, made certain specific suggestions which it considered would more adequately take care of the general traffic and highway situation in the city of Belleville.

1st. "We propose that Newbury street be closed.

2nd. "We propose that George street be closed as a level crossing and that an overhead bridge be built which will take care of all traffic over the tracks. This is an important highway, and will be much more so as the factories and industries increase on the land tributary to this street.

3rd. "We propose that John street be closed.

4th. "We propose that Church street be closed. The closing of John and Church streets will enable the railways to extend their station platform to the required length, and to provide adequate station facilities.

5th. "Pinnacle street will have to remain as a level crossing protected by gates.

6th. "At Front street, which is the most important connection between the city and the Harbour and provides access to all the land south of the tracks, it is in our opinion absolutely necessary that an adequate under-crossing be provided with a roadway at least 30 feet wide, with two sidewalks each six feet wide.

## SESSIONAL PAPER No. 20c

7th. "The proposed new roadway from John street to Pinnacle street should be extended to Front street so that the traffic may follow safely through the subway on Front street towards the north.

8th. "That part of the city lying west of the river should be provided with similar safeguards and an undercrossing 24 feet wide should be provided at James street to ensure safety to the public."

Under date of July 20, 1914, an application was filed by the Campbellford, Lake Ontario & Western Railway Company to take, without the consent of the owners, certain lands in the city of Belleville, it being alleged that these lands were required in connection with the establishment of the applicant company's team yards. There was also contained in the same application request for authority to close Dundas street between Norfolk and King streets, and divert it to Brock street by way of Norfolk and Willard streets, and the connection to be opened between the same as indicated in red upon the said plan. Also to close Mary and James streets between the northern limit of Dundas street and the southern limit of the right of way of the Canadian Northern Ontario Railway, and to divert the traffic on same by means of a grade level highway crossing in the vicinity of the intersection of King and Water streets, as indicated approximately in red upon the said plan.

Under date of July 14, 1914, the board was informed by the mayor of Belleville that the city being interested both in the application of the Campbellford, Lake Ontario & Western Railway Company and the Canadian Northern Ontario Railway Company, desired, with the view of suiting the convenience of the Council, to arrange a date for hearing at the end of July or beginning of August.

The application of the Campbellford, Lake Ontario & Western Railway Company was set down for hearing on July 29. The submissions made by the city showed that the Canadian Northern Ontario Railway Company was affected; and so, by consent, the matter stood until August 4 to permit the Canadian Northern and Grand Trunk, which was also concerned in the matter, being heard. To suit the convenience of some of those concerned, the matter stood over until August 7. It was then heard.

The application launched by the Canadian Northern Ontario Railway Company was not proceeded with. When the application of the Campbellford, Lake Ontario & Western Railway Company was placed before the board in formal hearing, the city at the same time claimed the right to develop the details of its scheme above set out in regard to the improving of the highway and general traffic conditions within the city of Belleville. No objection was taken by the city to the application of the railway company to take, without the consent of the owners, certain portions of property; but the city stated that the proposition of the railway company to create a level crossing (later to be referred to) tied the whole question up with what was being proposed as to the improvement of the general crossing situation; and it was stated frankly that the city considered, in view of the requests that were made by the railway company, that this was an opportune time to combine with the consideration of the railway company's application the request of the city. The railway company took the position that its application should stand on its own merits; but, as a matter of convenience, the two applications were considered together.

The application of the city may be dealt with first; although on account of the level crossing involved in the application of the Campbellford, Lake Ontario & Western Railway Company, it is impossible to keep the discussion of the two matters entirely distinct.

The answer of the city with reference to the application of the Canadian Northern Ontario Railway Company and of the Campbellford, Lake Ontario & Western Railway Company, already referred to, sets out, under seal, that "it is our desire to make application to your board to re-open and reconsider all of the questions involved in the grade crossings of the streets by the line of the Canadian Northern Ontario Railway." This being so, the question arises, what new and material facts

not before the board when it gave judgment under date of July 25, 1913, are now adduced?

A comparison of the former application and of what is now before the board will bring out the new arrangements, if any, to which the board is asked to direct its attention.

1. The present application involves raising the bridge over the Moira river 3 feet. The former application involved a minimum lift of 4 feet.

2. The present application asks for a subway at Front street and that the roadway be at least 30 feet wide, with two sidewalks each 6 feet wide. The subway asked for is 12 feet clear in height. The former application asked for a subway at this point of at least 11 feet in height.

3. The present application asks for a subway 24 feet wide at James street. This subway is to be 12 feet in height. The former application also asked for a subway at James street.

4. The present application proposes that Newbury street be closed. The former application proposed that it be made straight, and that it should be of the width of 66 feet, be well ditched, be well made, and of the best possible grade.

5. The present application suggests that George street be closed as a level crossing, and that a bridge both for pedestrian and vehicular traffic be provided. The former application also requested that a bridge for pedestrian and vehicular traffic should be provided.

6. The present application proposes that John street be closed. This was not involved in the former application.

7. The present application proposes that Church street be closed. In the former application it was requested that this street be left open, and that a level crossing be maintained at this point with not more than 2 per cent grade on the roadway.

8. In the present application, Pinnacle street is to remain as a level crossing, protected by gates. A level crossing at Pinnacle street was involved in the former application. The differences as between the present and former applications will be developed later.

9. A new roadway from John street to Pinnacle street to be extended to Front street so that the traffic may follow safely through the subway on Front street towards the north, is asked for in the present application. This was not involved in the former application.

To summarize the material, the main points which are involved in the present application and which were not before the board in the former application are—

1. The closing of Newbury street.

2. The closing of John street.

3. The closing of Church street.

4. The construction of a roadway from John street to Pinnacle street on to Front street to take care of the traffic going through the proposed subway.

5. The diversion, by the city, from the Bay Bridge road from a point south of the railway, along the marsh, and along Water street to the proposed subway at or near James street.

In addition to the one-foot difference in level proposed for the bridge as between the present and former application, certain other points of difference are to be mentioned. What the city is prepared to do by way of closing streets has been indicated. In connection with its application for a bridge at George street, it is prepared to take a bridge with approaches of a 10 per cent grade, and to take care of the land damages consequent upon the construction of the bridge. It is willing to take this 10 per cent grade with a view to lessening land damages. As to the level crossing at Pinnacle street, the present application involves, as checked up by the board's engineer, a lift of 2.8 feet in the Grand Trunk tracks at the point of crossing. The city sets out it is



## SESSIONAL PAPER No. 20c

willing to level up the street to this new level of the tracks, and to meet any land damages consequent upon this re-alignment of the surface of the street.

There was at first as between the estimates of cost of the Campbellford, Lake Ontario and Western Railway Company and of the city, a very wide margin, the city's estimate being in round numbers \$62,000, and the railway company's estimate being \$147,000. Afterwards when it was made clear to the railway company what was involved in the city's willingness to assume land damages the railway company, by deducting this, arrived at a corrected figure of \$95,000. The matter has been further checked by the board's engineer, who gives a summary statement as follows:—

Estimate No. 1, George street crossing . . . . .	\$24,527 25
Estimate No. 2, raising Pinnacle street . . . . .	6,000 00
Estimate No. 3, Front Street subway . . . . .	20,032 00
Estimate No. 4, Water Street subway . . . . .	12,083 50
Estimate No. 5, raising of bridges and tracks, and filling in of three easterly spans . . . . .	23,189 00
	<hr/>
	\$85,831 75

In presenting the case for the city on July 29 and August 7, various statements were made by Mr. Porter, counsel for the city, as summarizing the reasons why, in his opinion, a re-hearing should be granted. This may be put in a summary way. The references are to volume 208 of the evidence.

At page 4453 he stated that in the former application the question of maintaining a level crossing or of making a subway at Front street was temporarily dealt with.

Again at page 4540, Mr. Porter says, "The judgment itself says it is under the present or existing conditions, and it was clearly stated that if the conditions altered we could always come back to the board."

At pages 4454 and 4455, he contended that the coming in of the Campbellford, Lake Ontario & Western Railway to use the Canadian Northern Ontario Railway Company's tracks in the city of Belleville created an entirely different situation from what was contemplated under the understanding between the city and the Canadian Northern Ontario Railway Company, which was referred to in the board's judgment.

He again stated at pages 4541, 4542 and 4544, that the coming of the Campbellford Lake Ontario and Western Railway created a changed condition.

At pages 4544 and 4545, he says that there was a misapprehension by the board as to the water conditions existing. He now states in substance that it is only under abnormal circumstances that there will be water in the subway, and that in nine years out of ten there was no water at all; and, in a summary way, he stated at page 4497, the same position being taken by Mr. Wills, the mayor of Belleville; at page 4464, that there had been a misapprehension as to the information before the board at the time of the hearing.

To summarize, the grounds for re-hearing advanced are:—

(1) That the coming of the Campbellford, Lake Ontario and Western Railway created a different set of facts, not only in respect of traffic but also of the obligations, if any, imposed upon the city by the unexecuted agreement between it and the Canadian Northern Ontario Railway Company.

(2) That there was erroneous information before the board both as to the water levels and as to cost of proposed works.

(3) That there was a specific reservation of the right of the city to bring up the matter again.

This summary of reasons for a re-hearing may now be dealt with.

The judgment of the board of July 25, 1913, sets out in detail the situation in connection with the location of the Campbellford, Lake Ontario & Western Railway Company. It is pointed out that the original location which was not opposed by the

city council and which was approved by the board after formal hearing provided for a situation which created dangerous features in respect of highway traffic, as well as increasing damage to property. That thereafter, on the reports of the board's officers, and with a view to improving the situation from the standpoint of public convenience, an arrangement was brought about whereby the Campbellford, Lake Ontario and Western Railway was in the section involved in the present application, to run over the tracks of the Canadian Northern Ontario Railway.

The judgment then referred to the application of the C. L. O. & W. R. Co., for approval of its location in this respect, and used the following language:

"The present application of the C. L. O. & W. R. Co., is for approval of plan showing the road practically on the right of way of the Canadian Northern, within the city limits. To my mind, there is no question whatever as to the advisability of approving of this location in the interests of the city of Belleville as well as in the interest of traffic conditions generally."

It is to be noted that at the hearing in Belleville, when the application of the C. L. O. & W. R. Co. was before the board as to this location, it appears from the notes of evidence, volume 175, p. 2956, that the mayor of the city of Belleville took part in the discussion in regard to this and other phases of the situation involved in the location through Belleville.

Following this, Order No. 20609 issued. This order dealt both with the points in the city's application and with the approval of the revised location of the C. L. O. & W. R. Co. The city was cognizant of what was being done. The relocation was considered by the board to be in the public interest. It was formally approved; and in issuing judgment and order in the matter the board was seized of the fact that there was to be super-imposed upon the right of way of the C. N. O. R. within a defined section of the city of Belleville, the additional service resulting from the movement of the traffic of the C. L. O. and W. R. Co.

Water levels and cost. The question of cost is referred to and it is stated that the costs as worked out were too high. The judgment of the chief commissioner indicates that cost was only one of the factors. As already indicated, the cost of the present works proposed, which are on a more extensive scale is still higher. The city estimates the cost at about \$62,000, the C. L. O. & W. R. Co. at \$95,000, and the board's engineer, after careful check of the details involved, at approximately \$85,000.

As indicated in the judgment, in dealing with the question of water levels, there was at first some doubt as to the exact meaning of high water level as used in evidence. It was ascertained that high water level, as set out in the plan submitted by Mr. Evans, engineer of the city of Belleville, dealt with the ordinary summer level, and that this was distinct from the flood level. The situation has been checked from the plan by the board's chief engineer, who advises as follows:—

"In reference to the high water mark at the Moira river at Belleville, there seems to be some difference in the question of the elevation of this high water mark. It is given by the city of Belleville on a profile, signed by city engineer Evans, at 244.97. I have used 245, which is only three-hundredths difference from the city's elevation, which, of course, is no difference whatever."

"The C. P. R. gives the highest water level on record at 246.2, and I am informed that there has been a record of 246 sometime during the last ten years. I notice in White's Altitudes we find the mean level of Lake Ontario, from 1871 to 1900, at 245.7, and the extreme high water 1870, at 248.7. Now, the elevation of the base of rail of the bridges is 255.75. The C. P. R. apparently allow 1½ for cross girder construction but I think that probably 1 foot 3 inches would be not unreasonable, so that, taking the elevation of rail at 255.75 deducting 1.25 for underneath girders, leaves 254.50; taking 11 feet of a subway, which I first

## SESSIONAL PAPER No. 20c

contemplated, would leave 243.50, or  $1\frac{1}{2}$  feet below the level of the city's high water, or  $2\frac{1}{2}$  feet below the highest record given by the C. P. R. If you take Mr. White's mean water level of 245.7, which is about the mean between these differences, the bottom of the subway would then be 2 feet below the mean high water level. If you make the subway 12 feet in depth, which I think is what is being discussed on the present plans, you would have a level of 242.5 above datum, which would be  $2\frac{1}{2}$  feet below the mean high water mark of the city and  $3\frac{1}{2}$  feet below highest water record given by the C. P. R., and 3 feet below the mean water level given in White's altitudes, which I think probably would be fair to take. This is referred to in the profile of the C. P. R. and C. N. R. over the Moira river, signed by J. W. Evans and marked by me "A" in red on File 3878.569."

Reference may be made to the plan attached hereto, which is referred to in Mr. Mountain's memorandum.

As has been indicated, the board, in its former judgment, had before it the question of a lift in the level of the bridge. Inferentially the board decided that it was not justified in directing this lift on the bridge, because, while there is no specific statement to this effect in the judgment, it is to be noted that what was dealt with was a possible subway to be obtained by flattening the floor of the bridge. By thus flattening the floor of the bridge and using cross-girder construction it was hoped there would be given sufficient additional head room to permit an 11-foot subway to be obtained. What was inferentially refused by the judgment as to the changed level of the bridge, was specifically refused by the final clause of Order No. 20609, which stated that the rest of the application on behalf of the city was to be refused. The elevation of the bridge not having been granted, it fell, therefore, within this final clause. It is true that what is now before us is for a 3-foot lift in the level of the bridge, but no new and material facts bearing on this question of change of level of the bridge having been brought before the board, no reason, on what is now before us, for the change in the former decision of the board appears. What is to be considered by the board on what is now before it is the question of levels with regard to a subway to be obtained by flattening the bridge floor, and in respect of the errors alleged to have existed in the former computations before the board.

As indicated in Mr. Mountain's memorandum, a subway 12 feet in depth, the clearance being obtained by flattening the bridge floor, would be  $2\frac{1}{2}$  feet below the mean high water level, as shown on the said plan; that is to say, during the time the summer level existed, the bottom of the subway would be  $2\frac{1}{2}$  feet below the level of the water. If, on the other hand, a subway of 11 feet were constructed, the bottom of the subway would be  $1\frac{1}{2}$  feet below the summer level of the water.

Counsel for the city said, at page 4545, that at the point in question 18 inches of water in ten years was the most there had ever been. This, it should be noted, is figured over the bottom elevation of a subway of 12 feet, 3 feet of this height being obtained by corresponding elevation of the bridge. But, with the subway obtained by flattening the bridge floor, there are only 9 feet available between the bridge floor, after it is thus flattened, and the surface of the ground underneath. That is to say, it is necessary to excavate 3 feet to get a depth of 12.

It was stated by counsel for the city that it was only under abnormal conditions that the subway would be flooded. It was also stated by him that they had records showing the level of the water from day to day. These records were not submitted to the board. What is before it is the detail set out on the plan prepared by Mr. Evans, a copy of which is attached hereto, and on what is thus presented there is, in respect of high water mark, a difference of .03 of one foot, or  $\frac{3}{100}$  of an inch, between the former and the present computations—a difference so slight as to be negligible. I cannot find, therefore, that there was any material error in the computations on which



the board's finding in the former judgment was made, and there is, therefore, no justification on what is before us for varying the former judgment in this respect.

What has already been said in regard to the change in level of the bridge is equivalent to stating that the application as to subway at James street fails also, because what is proposed there is subject to what has already been said in regard to the bridge levels and water levels. In the judgment of the Chief Commissioner the application for a subway at James street is refused, it being stated the traffic did not warrant it. There is no new and material evidence before the board to differentiate James street at present from James street at the time of the former hearing.

#### SPECIFIC RESERVATION OF THE RIGHT TO REHEARING.

Reference was made to the judgment of the Chief Commissioner, which was stated to contain a specific reservation of the right to rehearing. The board has never stood on technical grounds in regard to rehearings, and its process in connection with granting such rehearings is simple. The inference from the statement of counsel for the city as to the reservation spoken of is that the board felt this was a purely temporary disposition of the matter, and that the applicants had by such reservation rights greater than those which would normally be possessed by individuals to whom, under ordinary process, it was open to apply for a rehearing.

Counsel for the city was in error in regard to his understanding, for I find no such words of reservation in the judgment. Consequently, under this heading, the city is in on better or worse position than any individual who may desire to obtain a rehearing.

What has been set out at length shows that there are certain features of difference between what was before the board in the former instance and what is now before it. There are certain new points involving additional expense on the part of the city. The earnest belief of the city that the plan now proposed is in the general interest, is indicated by the burden of expense they are willing to assume. But these new portions of the application while changing in some regards some of the details, do not change the central points common to the two applications. These central points are the elevation of the bridge and the construction of the subways. The present application is not an original hearing in which it is possible to go into the matter independently of the special conditions which have come into existence, these special conditions being summarized in the judgment of the Chief Commissioner. What is now before the board is an application for reconsideration of its former decision; and, with a due appreciation of the importance of the matter and of the energy and public spiritedness shown by the city, I am unable to see that what is now before the board in reality goes to the propriety of the former order, or justifies a change being made.

As to the application of the C.L.O & W. R. Co. to take additional lands for the purposes of its yards at Belleville, no opposition is shown in the answer of the city, under seal, which is to be found on File No. 3701-377. The same position was expressed at the hearing by counsel for the city. The only material point of difference is as to the grade level crossing near King and Water streets which the railway company proposes.

The matter of the bridge level and the considerations dependent thereon having been dealt with, the application of the railway company now stands for determination.

The city does not contend that the additional facilities the railway company is desirous of obtaining, are unnecessary.

Order has already gone as to certain of the lands the railway company desires to take.

Order should go as to the certain portion of Lot No. 10, southeast of Willard street, referred to in the application of that company. Order should also go as to the portion east of King street, as indicated by the application of the company.

## SESSIONAL PAPER No. 20c

The application of the railway company to close Dundas street, between Norfolk and King streets, and divert it to Brock street by way of Norfolk and Willard streets, the latter to be opened as indicated in red on the plan filed, is not objected to by the city, which, however, states that it is of opinion that Willard street should be widened from its present width to 66 feet.

Dundas street and Norfolk are 66 feet in width, while Willard street is only about 38 feet in width, as shown on the plan of the C.L.O. & W.R. Co., on file No. 3701-377. It is proper that the substituted highway should have the same width as the highways whose place it takes, and this should be a condition of the order.

The railway company applies to close Mary and James streets, between the northern limit of Dundas street and the southern limit of the right of way of the C.N.O.R.; and to divert the traffic by means of a grade level crossing in the vicinity of the intersection of King and Water streets, as indicated approximately upon the plan attached to the application.

The city objects to the granting of a grade level highway crossing, and desires that a subway be constructed at or about this point.

In view of what has been said, an order for a level crossing will have to go. There is not before the board, at present, such information as warrants a conclusion as to the method of protection, if any, necessary at this point. This will, therefore, have to be reserved.

The situation as to Bay Bridge road is brought up by the proposed street diversion from this road, from a point south of the tracks. Bay Bridge road is crossed both by the tracks of the C.N.O.R. Co. and the C.L.O. & W.R. Co.

Some question is raised by Mr. Porter, counsel for the city as to the crossing of Bay Bridge road by the C.L.O. & W.R. Co's tracks in connection with its entrance into the proposed yards. The question of the propriety of these tracks being so constructed is apparently attacked on the ground that the Bay Bridge road is the property of a private company, which did not receive notice. Mr. Porter stated that if the diversion proposed, south of the tracks, were constructed to link up with the proposed subway at or near James street, the company would not ask for compensation therefor or raise any question as to notice.

As to Bay Bridge road, it is undoubtedly the main artery of travel between surrounding farming country and the city of Belleville. At the same time, there is not before the board such information regarding probable train and switching movements over this crossing and highway traffic thereon as would warrant a conclusion as to the method of protection, if any, necessary at this point. This will, therefore, have to be reserved.

Order to authorize construction under section 222 should also go.

Assistant Chief Commissioner Scott and Commissioner Goodeye concurred.

Order in accordance with judgment issued.

## INTERCHANGE TRACKS BETWEEN C.P.R. AND G.T.R. AT COLDWATER, ONTARIO.

Judgment, Assistant Chief Commissioner Scott, November 11, 1914:

The village of Coldwater has applied for an order directing the construction of interchange tracks between the C.P.R. and the G.T.R. at Coldwater.

The tracks of the two railways cross each other at grade in the village, and interchange tracks could be constructed at comparatively small cost.

In Coldwater the International Brick Company, and G. Boland's Planing Mill have both got Grand Trunk railway sidings and it would be some benefit to these concerns to be able to ship to Canadian Pacific Railway points.

Also, as is pointed out by our Traffic Officer Mr. Brown, in his report dated June 1, 1914, interchange at Coldwater would be of considerable benefit to stations west of Coldwater on the Grand Trunk: viz., Waubauskene, Midland, and Victoria Harbour. But, the industry that is chiefly concerned in this application is, the Fesserton Lumber

6 GEORGE V, A. 1916

Company, of Fesserton, Ontario. Were it not for the existence of that concern, I would not feel justified in suggesting that the interchange be ordered.

The Fesserton Lumber Company's mills are situated within two miles of the crossing and are served by a spur from the Grand Trunk Railway Company. Because of certain physical conditions a spur to the mills from the C.P.R. could not conveniently be built. Among other difficulties, a crossing on the level over the Grand Trunk Railway Company's track would be necessary if a spur from the C.P.R. to the Fesserton Mills was constructed. In addition to the saw-mill and a stave plant in the saw-mill which the Fesserton Company have been operating for sometime, the Company has this year constructed a new cooperage factory. The Company's limits are on the C.P.R. and its mill on the G.T.R. The logs for the saw-mill have been brought in by water in the past; but as the source of supply is becoming further and further away from the mill, all logs will soon have to be brought in by rail. The hardwood timber used for cooperage being heavy cannot be floated, and it is now brought in by the C.P.R. and teamed to the factory. It is suggested that this material could be brought in by water in barges; but that, of course, would only be during the period of navigation. The Fesserton Lumber Company stated that if the interchange tracks were put in it could keep its mill running for several more months in the year than it now does, and that its cooperage factory would run all year. It says its new cooperage factory would need 1,000 cars a year of raw material which would be manufactured and shipped out again.

The figures submitted by the Grand Trunk Railway Company for the year 1913, show the timber company's business with that railway for that year to be as follows:—

Carloads of logs in. . . . .	76
Carloads of lumber and cooperage stock out . . . . .	414
	<hr/>
	490

The timber company say that 1913 was a bad year; that their 1914 G.T.R. shipments will be larger. It suggests that 600 cars per annum would be a fairer estimate for an average year.

I am satisfied that the company's present business, with its expected immediate increase in business due to the construction of its new factory and its adoption of the method of bringing in sawlogs by rail, justifies this board in ordering the interchange applied for.

It seems to me the Fesserton Lumber Company should contribute something towards the cost of the construction of the interchange tracks; but it is difficult to apportion the cost among those concerned until we see what effect the interchange will have on the volume of business the Grand Trunk have been getting from the Fesserton Lumber Company. I propose that the apportionment of the cost be reserved for a year, and that complete returns be put in by the timber company and the two railway companies, of the business interchanged during that time. We would then be in a better position to make a fair apportionment of the cost than we are to-day. In the meantime the interchange should be put in by the Canadian Pacific Railway Company, within thirty days from the date of the order. The company should keep an accurate and detailed account of the expense of putting in the interchange. Plans should be submitted without delay, of the proposed tracks, for the approval of the board's engineer.

Judgment, Mr. Commissioner McLEAN, November 12, 1914:

I agree, subject to the condition that the applicant supply a bond to cover one-half of the cost of the work. This sum or so much thereof as the board may later, and after investigation deem proper, to be paid over and according to the direction of the board.



## SESSIONAL PAPER No. 20c

Assistant Chief Commissioner SCOTT: I am satisfied that this condition be put in the order.

Order in accordance with judgments issued.

APPLICATION OF THE CITY OF TORONTO WITH REFERENCE TO MAINTENANCE OF SUPERSTRUCTURE OF SUBWAY CARRYING KEELE STREET UNDER THE CANADIAN PACIFIC RAILWAY COMPANY'S TRACKS.

Judgment, Chief Commissioner DRAYTON, November 12, 1914:

This application was heard at a sitting of the board held in Toronto on July 3, 1914, at which there were present the assistant chief commissioner and Mr. Commissioner McLean.

My brother commissioners have asked me to consider the case, the whole question turning on the existing agreement between the parties of date November 18, 1889, made between the town of West Toronto Junction and the Canadian Pacific Railway Company.

This agreement is confirmed by chapter 110 of the Ontario Statutes of 1890.

The agreement shows that negotiations had been in progress for some time between the corporation and the railway company as to the location of the company's principal repair shops for the Ontario division of the railway at Toronto Junction; and that the company had agreed to locate and maintain such shops subject to the terms, conditions, and mutual covenants and agreements set forth.

Under clause 11 of the agreement, the corporation binds itself to construct on Keele street the subway in question.

The agreement describes the subway as a subway with retaining walls on either side of the subway along the whole distance of the company's property, with proper and sufficient approaches thereto; and the corporation is also bound to make all necessary roads, sidewalks, drains, and other things pertaining thereto; and will thereupon cause Keele street to be legally and effectually closed and discontinued as a highway and so as to prevent all traffic on the level along the said street across the company's right of way of 99 feet; the subway to be excavated across the company's right of way at Keele street for a distance of 99 feet and to such a depth as to permit of the approaches for the company's track being erected and maintained on any portion of the said retaining walls of the subway across the right of way, and at any place or places on the whole of the distance.

The corporation further agreed to provide and erect entirely at its own expense on the retaining walls iron or steel deck girders with floor system complete for five tracks; or, at the company's option, an iron or steel web girder bridge with four floor system complete, sufficiently wide to accommodate five tracks the usual distance apart.

The city's application is based on the allegation that the condition of the superstructure is such that water comes down through it on the roadway and sidewalk, or through the bridge and down the sides of the abutment keeping them constantly wet and overflowing on the sidewalk beneath.

The city asks that this condition should be changed, and refers to section 15 of the agreement.

Under this section the corporation is obliged to maintain the retaining walls and bridge structures, and all roads, sidewalks, drains, and other things pertaining to the highway; while the company is bound to maintain the bridges provided for the tracks.

Under this clause, Mr. Geary's contention is as follows:—

"They were to maintain the bridges, that is, of course, including the flooring of the bridges, the girders, and that sort of thing. We say that properly speaking it is a question of maintaining that, not only in some sort of repair that will stand up, but maintaining it in the way that, under the conditions of its existence, it should be maintained. They might maintain the flooring with spaces of three or four inches and let the rain in and ruin the street."

At the time the subway was built and the bridge structure provided by the municipality, the modern method of waterproofing, I am advised by the board's chief engineer, was unknown. The structure as completed was a sufficient and proper structure. The structure, moreover, which was to be maintained by the company was the structure as built by the corporation.

The present condition of affairs is not a new one. It is a condition which inevitably must arise with construction of the class which the corporation has installed.

Mr. Mountain has carefully inspected the structure, and reports that the leaks are not serious, although objectionable, and that the difficulty can be easily and economically overcome.

Although the bridge now forms part of the company's system and is its property, I am of the opinion that the municipality should be now given the right to make the superstructure waterproof, and that after the superstructure has been waterproofed at the expense of the municipality, the obligation should be thrown on the company for maintaining it waterproof in the future.

The municipality, if it desires to go on with the work, which is entirely in ease of its street conditions, will furnish plans, showing the manner in which it desires to waterproof the structure, to the board's chief engineer for approval.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.  
Ordered accordingly.

APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY, UNDER SECTION 151, FOR AUTHORITY TO LOWER THE GRADE OF THE PORTION OF MAPLE STREET, WINNIPEG, MAN., LYING NORTHWARD OF THE PRODUCTION WESTERLY OF SAID MAPLE STREET OF A LINE DRAWN PARALLEL TO AND 26 FEET NORTH OF THE NORTHERLY LIMIT OF LOT 57, PLAN 63, SUBDIVISION OF LOT 35, EAST ST. JOHN, AND SOUTH OF POINT DOUGLAS AVENUE, NOT AT PRESENT COVERED BY THE TRACKS AND BUILDINGS OF THE SAID CANADIAN PACIFIC RAILWAY COMPANY.

Oral judgment delivered by Assistant Chief Commissioner Scott at the close of the hearing, November 16, 1914:

The railway company applies to have the grade of Maple street lowered. Maple street south of the Canadian Pacific property ends at the point which was the southern boundary of the southern half of Point Douglas avenue, which is now the property of the railway company, so that Maple street runs to an end abutting on the Canadian Pacific Railway Company's property. To facilitate the use of its station as it will be when it is changed, the railway company desires to lower the grade on the north end of that portion of Maple street. The only land not owned by the railway company belongs to the Dominion Government, and we have the consent of the Dominion Government to the application of the railway company.

The city does not oppose the application on its merits. The city points out that this would be an excellent opportunity for providing another way from south to north or north to south parallel to Main street underneath the tracks of the railway company. Between Main street and the river there are two subways, one on Rachel and the other at Higgins; but in addition to that they want another one. There may be considerable merit in what the city says, but it is no answer to the application of the railway company. The point before us to-day is whether or not the portion of Maple street in question shall be lowered.

It would be very much in the interests of the public to have that lowered so that the access to the baggage room of the new station will be convenient, and we feel that the application should be granted.

It may be that the city and railway company can get together at some future time for the carrying through of Maple street or some other street there; but whether or not there is to be some other opening underneath the railway company's property does not affect the present application.

An order will go accordingly.

## SESSIONAL PAPER No. 20c

APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY, UNDER SECTIONS 222 AND 237, FOR AUTHORITY TO CONSTRUCT AN ALTERATION TO EXISTING SPUR FOR THE CITY OF WINNIPEG ON RACHEL STREET EAST, IN LOT 49, BLOCK B, CITY OF WINNIPEG, MAN., ON THE APPLICANT COMPANY'S MAIN LINE, MANITOBA DIVISION.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing, November 16, 1914: ..

When the spur was originally authorized, the somewhat stringent conditions the city of Winnipeg now insists we should insert in all Winnipeg branch line orders, and which we do not put in orders in any other part of Canada, were not drafted and were not put in the order. The spur was subsequently changed by only a few feet and a new order became necessary, and our office, following our practice, put in the city of Winnipeg clauses. The Canadian Pacific pointed out that it was a Winnipeg municipality spur and was merely being changed from one location to the other, and that these new clauses should not apply under the present circumstances.

We think their application should be granted, and clauses 1, 2, and 3 of that order will be struck out.

Mr. HUNT: Would you vary the contract for the elimination of that clause?

The ASSISTANT CHIEF COMMISSIONER: No, we have nothing to do with the contract.

Mr. HUNT: Because we were forced to sign it before we could get the change.

The ASSISTANT CHIEF COMMISSIONER: I know. We do not justify the railway's position in holding up parties.

Mr. HUNT: Because the old one was not under the same terms.

## BRAMPTON MILLING COMPANY'S SWITCHING COMPLAINT.

Judgment, Chief Commissioner DRAYTON, November 16, 1914:

In this case the Assistant Chief Commissioner states in his memorandum:

"It seems to me that the Canadian Pacific Railway Company is taking a very narrow view of this matter, and I would like to issue an order permitting the Grand Trunk to place cars at the Milling Company's property, notwithstanding the interswitching order."

Mr. Commissioner McLean's memorandum, while agreeing that the Canadian Pacific Railway Company is taking a technical position in the matter, states that it is within its rights, and that the provisions of the Interswitching Order apply no matter how short the movement is on the Canadian Pacific Railway's tracks.

Under the general interswitching order the carrier that has the right or obligation to perform the interswitching service is entitled to interswitching toll applicable to any distance within four miles. This rate rightly or wrongly has not been graduated according to distance by the board. It would indeed seem almost impossible to do this owing to the difficulty of estimating distance necessarily covered in the shunting operation over the complex tracks of an ordinary terminal.

This difficulty is apparent at the threshold of the inquiry, switching conditions changing as they do from time to time owing to the conditions of the yard and the congestion of business, with the result that what, in view of unoccupied tracks, might be a very simple switching operation, becomes complex and expensive when these tracks are already ordinarily occupied.

In this case the Canadian Pacific performs the switching service. The length of the haul is very short; but there is, however, a switching service, and there can be no doubt whatever but that the general interswitching order applied.

Unless the board is prepared to make an exact graduate schedule under which short movements on the one hand will receive the benefit, and longer movements on the other



hand be penalized, I can think of no principle which would justify the board in ordering that this service should be performed without charge on the one hand, or that the property of the Canadian Pacific can be used without any remuneration on the other.

It would be just as reasonable to say that in cases where the distance was a fraction over four miles that it was a hardship on industries so situate that they could not get interswitching performed for them under the terms of the general order.

A general order such as the present order is, has to start arbitrarily somewhere and stop arbitrarily somewhere. It is impossible to have any general regulations of this kind at an arbitrarily flat rate without such conditions. I do not desire to be understood as approving one way or the other of the principle, or as to the fairness of the charge either to the industries or to the carriers, who have objected very strongly to the charge on the ground that it does not nearly cover the cost of the service; but so long as the general order continues in force, so long must its provisions be given effect to.

APPLICATION OF MESSRS. GILLIES BROS., LTD., OF BRAESIDE, ONTARIO, AND GEORGE E. BAKER, ARNPRIOR, ONTARIO, FOR THE CONSTRUCTION OF INTERCHANGE TRACKS FOR THE PURPOSE OF INTERCHANGING CARS BETWEEN THE C.P.R. AND G.T.R. AT ARNPRIOR, ONTARIO.

Judgment, Commissioner McLEAN, November 25, 1914:

Gillies Bros. are not located at Arnprior but at Braeside, a station on the Canadian Pacific Railway's main line 3.2 miles west of Arnprior. Mr. Baker who supported the application of Gillies Bros. is engaged in the manufacture of brick and tile. He estimates that if an interchange track is put in and interswitching provided for that he will have about fifty cars per annum for Grand Trunk points. His plant is located about one mile from the Grand Trunk line. At present there is a haul of about a mile and a quarter from the plant to the Grand Trunk and Mr. Baker states that it would be very convenient to him to be able to load both Grand Trunk cars and Canadian Pacific Railway cars at the one siding. The application of Gillies Bros. is pressed owing to the fact that, on account of their present arrangement in regard to transportation, they are at a disadvantage in shipping to points on the Grand Trunk as compared with shippers on that railway who have a one line haul to the same points. The only firm in Arnprior having a private siding is the McLachlin Bros. Lumber Company. This company has already connection with both railways.

Under section 285 of the Railway Act the board may, where a branch line of one railway joins or connects the line or lines of such railway with another, entertain an application for interchange facilities over said track where the application is made by a railway company, a municipal corporation or other public body. The application now before the board falls within the scope of section 228 which deals *inter alia* with a situation "where the line or tracks of one railway are intersected or crossed by those of another." Under this section the board may order that the tracks shall be connected. The tracks of the Canadian Pacific and of the Grand Trunk intersect at Arnprior. Under this section the board has a wider discretion as to parties applying for, in addition to the provisions as to application set out in section 285, provision made in section 228 for an application being entertained from "any person or persons interested."

The question is raised as to whether there is such a public interest as will justify an interchange track being installed. In general the applications which have come before the board have been concerned with cases in which such a number of industries or applicants were involved as to show that there was a substantial public interest. In the present application there is in reality only one industry concerned for, the application of Baker is not very seriously pressed. But whether the application made by one or by many it is the question of public interest which must justify the intervention of the board. That is to say before it grants the relief the board must be satisfied that there is a substantial public interest to be served thereby.

## SESSIONAL PAPER No. 20c

The town of Arnprior does not ask for the installation but by resolution, on file, it states that it is agreeable to the installation of the interchange track provided that the law as to blocking of crossings is complied with; and that the railway companies interested keep all highway crossings of the interchange track in a proper state of repair.

The Grand Trunk supports the application and states its willingness to bear half of the cost of construction and maintenance.

Were the application one which arose under section 285 a valid objection that there was a lack of public interest might be taken on the ground that the present applicant did not fall within the categories of parties applicant set out in the section. But as has been indicated section 228 is so worded as to permit an application to be made by an individual.

Objection is taken by the Canadian Pacific to the granting of the order asked for. It is stated that Gillies Brothers are in no different position from any shipper located at a local point on the railway; and that they obtain no different treatment. Objection is also taken to opening up the connection asked for on the ground that it would deflect from the Canadian Pacific to the Grand Trunk traffic which would otherwise move exclusively on the Canadian Pacific. This objection might of course be taken in any case where an order for an interchange is made; for under such condition there will always be some dislocation of traffic.

The applicants ship about 2,000 cars of lumber per annum; fifty per cent of this output being for domestic consumption.

The application is apparently the first of its kind to come before the board, for, while the applicants are within the limits as to distance laid down by the interswitching order, they are not located at Arnprior where the interchange is asked for.

The application falls squarely within section 228. Since under that section the board may entertain an application from an individual the only question concerned is whether it is justifiable to grant the application. It is apparent there will be a movement, important in amount which will reach a wider market if the interchange is granted. Without the facility afforded by the interchange this movement will be hampered. The objection of the Canadian Pacific regarding the deflection of traffic has already been referred to. It does not appear probable that there will be any appreciable reciprocal traffic advantage to it for some time at least from obtaining a Grand Trunk connection at this point. In the London case *Grand Trunk Railway Company v. Canadian Pacific Railway Company and city of London* 6 C.R.C. 331, it was said:—

“The provisions of the Railway Act which require railway companies thus to interchange traffic at connecting points are introduced, not for the purpose of benefiting one railway company at the expense of another, but solely in the interest of the public.”

Section 228 authorized the board to “. . . determine by what company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connection shall be borne . . .”

The board has, where a considerable number of industries have been interested in the application, divided the cost between the railways. In the present case, while the interchange will be, as already indicated, in the public interest, Gillies Brothers have a predominating special interest in obtaining the facility. They should, therefore, contribute to the cost.

The cost of construction should be borne in equal portions by the Grand Trunk and the applicants, Gillies Brothers. Agreement should be arrived at between the parties whether payment is to be made in cash by applicants on estimate of cost, or on completion of work and account rendered; or whether payment is to be secured by the putting up of a bond. Order is not to issue until the board is informed of the arrangement in this respect arrived at.

6 GEORGE V, A. 1916

Cost of maintenance and cost of such protection, if any, as may be ordered by the board in respect of any portion of the interchange track should be borne by the Grand Trunk. If the Canadian Pacific and the Grand Trunk do not agree within fifteen days to accept the plan submitted by the applicants, the Grand Trunk shall thereafter submit a plan to the Canadian Pacific, and any points of disagreement existing between the parties, if an agreement is not arrived at within fifteen days from the submission of such plan by the Grand Trunk, shall be settled by an engineer of the board. The plan in either event is to be approved by the board. The necessary materials and the work of construction to be supplied and done by the Grand Trunk.

Concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Commissioner Goodeve.

COMPLAINT OF C. W. OZIAS, *et al.*, *re* PROPOSED CLOSING OF CANADIAN PACIFIC RAILWAY  
STATION AT MAZEPPA, ALBERTA.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing, November 26, 1914:

In this case the board is of the opinion that the agent should be maintained. We have fixed an arbitrary amount of \$15,000 as the revenue which a railway company should derive at a station to warrant us in ordering the maintenance of an agent. Of course, that is an arbitrary figure. Nevertheless we must have some figure, and after a good deal of thought that was the figure determined by the board.

From the statement put in by the railway company of its earnings for the twelve months ending the 30th of October last, their total revenue at this station was \$20,146.71, not counting express. The express is a small amount, about \$35 a month. If we take the last two months, September and October, the average is more than \$15,000. Even if we take October alone, adding in \$35 for express, it brings it up, to \$15,000 per annum.

On these facts the request of the company to be permitted to remove the agent is refused.

Of course, it is open to the company at any future date to make a further application if the conditions warrant it.

APPLICATION OF THE TOWN OF COURTENAY, B.C., FOR AN ORDER DIRECTING THE ESQUIMALT AND NANAIMO RAILWAY COMPANY TO PERMIT THE PROVINCIAL GOVERNMENT TO MAKE A ROAD FROM THE COMPANY'S FREIGHT SHED IN A NORTH-WESTERLY DIRECTION TO THE LAKE TRAIL, A DISTANCE APPROXIMATELY OF 900 FEET SO AS TO OBLVIATE THE HAUL NOT NECESSARY FROM THE LAKE TRAIL ROAD TO THE FREIGHT SHED OF APPROXIMATELY 5,700 FEET.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing, December 2, 1914.

The applicant is asking that they be given the temporary right to construct a highway from the railway company's freight sheds northerly to connect with Union street. The railway company has a road from its freight sheds southerly connecting with Cumberland road.

It is quite apparent that the applicants desire, not facilities to get to or from the railway company's sheds from the north, so much as a highway to be used for highway purposes, quite irrespective of railway purposes, connecting Union street with Cumberland. In other words, they want the railway company to supply the right of way for a municipal highway. They say it is only to be used temporarily. The railway company says that once a highway is established there, and money spent on it, in all probability they will be saddled with a highway through their property for all time.



## SESSIONAL PAPER No. 20c

I think the railway company is right. If the highway got established there the chances are it would remain a highway, and the railway would have a great deal of difficulty in getting rid of it.

This is not a case where the compulsory powers of the board should be invoked. If the municipality or the government desires this privilege from the railway company, it is a matter which the railway company might give by agreement in some amicable arrangement, but it is not a matter which we would order. The application is dismissed.

APPLICATION OF THE HAMILTON STREET RAILWAY COMPANY FOR PERMISSION TO CROSS THE TRACKS OF THE GRAND TRUNK RAILWAY COMPANY'S MAIN LINE ON KENILWORTH AVENUE, TOWNSHIP OF BARTON.

Judgment, Chief Commissioner DRAYTON, December 2, 1914:

The application was heard at a sitting of the board held in Hamilton on April 23, 1914.

The street railway company, in its application, filed by-law No. 883 of the township of Barton, which recites, among other things, that the street railway company applied to the township for leave to extend its railway over certain highways, and grants permission and authority for its construction along the road allowance between lots 2 and 3, in the first and second concessions of the township, otherwise known as Kenilworth avenue, from the northerly limit of the base line between the Broken Front and the first concession of the township, to the northerly limit of the second concession in the township, otherwise known as Barton street.

The main line of the Grand Trunk Railway crosses Kenilworth avenue within these limits.

The application is also supported, and indeed required, by by-law No. 1430 of the city of Hamilton, which approved the agreement entered into between the applicant company and the city of Hamilton, of date March 10, 1913.

The agreement approved recites that, in the opinion of the council of the corporation of the city of Hamilton, it is desirable that street railway service be provided on the streets in the agreement mentioned; that negotiations had taken place between the city and the applicant company with a view to obtaining these extensions; and that the applicant company had agreed to construct the street railway line referred to, if the necessary consent could be obtained from the township of Barton and from the county of Wentworth.

It may be noted that no interest of the county in the street question has been disclosed, and that the applicant company has proceeded without such consent, which would appear to be unnecessary.

The agreement, besides providing for construction and maintenance, contains the following provisions:

"10. The city corporation shall assist the street railway company in an application to be made to the Board of Railway Commissioners for Canada for a subway beneath the main line tracks of the Grand Trunk Railway Company at Kenilworth avenue, for vehicular, street railway, and pedestrian traffic; and the Board of Railway Commissioners for Canada shall be asked to apportion the cost of this work between all parties interested."

The Grand Trunk Railway Company contended that no portion whatever of the cost should be placed upon that company, that the cost not only of construction but of maintenance for all time should be placed upon the applicant company.

The answer to the application filed by the city of Hamilton points out, among other things, that Kenilworth avenue lies within the township of Barton; that Barton township has a large population; and that the street railway in question is mainly for the accommodation of residents of that portion of the township lying east of

Hamilton. It also points out that, owing to the increased traffic on the main line of the Grand Trunk, the highway crossing in question has been rendered very dangerous to the public; and that, should a subway be ordered by the board, the Grand Trunk should be ordered to pay a large portion of the cost, as should the township of Barton.

At the hearing, all parties interested were represented. The right that the Grand Trunk Railway Company had on Kenilworth avenue was to cross it with two lines; but by an order of the board made on the consent of the city of Hamilton in the year 1907, the railway company was authorized to lay two additional tracks over the crossing in question, one of the tracks extending from a point west of Victoria avenue in Hamilton to what is described as Gage's spur at or near the eastern limits of the city; the other track extending from an unnamed street situate about midway between Wentworth street and Sherman avenue to Gage's spur, which spur is shown on the plan to lie some 900 feet to the east of Kenilworth avenue.

Paragraph 2 of the order is as follows:—

“Should any further protection be at any time hereafter ordered at any of the streets crossed by such additional tracks (with the exception of Victoria avenue, as to which there is an order of the Railway Committee of the Privy Council, dated July 8, 1891), the Grand Trunk is to install gates, including necessary house or tower, and maintain the same; to hire necessary watchman to operate the same; and the city shall pay to the Grand Trunk monthly one-half the cost of such watchman's wages.”

The order as issued was settled and signed by the respective solicitors for the city and the railway company.

The interest of the township of Barton in the road seems to have been entirely overlooked. Probably the enlarged railway facilities were necessary because of the constantly increasing traffic in Hamilton, and were required by the city in the interest of its merchants; and that, in consideration of the larger question, the exact boundary of Hamilton was lost sight of. That boundary has been growing to the east; it now extends to Kenilworth avenue, on the north of the Grand Trunk main line tracks, where it recedes a distance of some 2,600 feet to Ottawa street, continuing southerly on Ottawa street until the grounds of the Hamilton Jockey Club are passed—a distance of some 1,250 feet, from which point it is again extended to Kenilworth avenue. Manifestly the only reason for the jog was the fact of its being thought that it would be a burden on the large and unimproved property of the Jockey Club, to throw it inside of the city limits and subject it to city taxation.

Whatever the legal boundaries may be, the land lying immediately to the east of Kenilworth avenue is urban in character, has been cut up into building lots, and is now used to a greater or less extent by those who are employed in the city.

Apart from the actual legal limits of the boundaries, there is but little difference in character, between that part of the township adjacent to Kenilworth avenue, in the neighbourhood in question, and the similar section of Hamilton itself. Doubtless it is for these reasons that the township's interests were entirely overlooked by the parties when the agreement embodied in the order of 1907 was arrived at.

There seems, however, to be no doubt, but that the part of the street where the subway is applied for is actually in the township; indeed Mr. Farmer, who appeared for the township, so admitted, although he contended that the whole question was one which concerned Hamilton and the extension of the Hamilton Street Railway System, rather than one which concerned the township.

The railway company has but three lines crossing Kenilworth avenue; and, having regard to its own and the present highway traffic it submitted that as yet there is no necessity whatever for a subway; that any necessity which may now arise is wholly due to the proposed street railway construction; and, hence, that the matter of cost is one entirely for the municipalities and the street railway company.

## SESSIONAL PAPER No. 20c

The company also relied on statistics for 24 hours ending at 7 a.m., March 7, showing that only 17 vehicles and 381 passengers on foot passed over the crossing. While this estimate as to that particular day is doubtless correct, highway traffic will undoubtedly increase with the improvement of the highway and the development of the district consequent on the extension of the street railway system.

The railway company also pointed out that, while in 1904 there were 39 trains a day, at the present time there are only 31 trains, the trainloads now being heavier than formerly.

I do not know at what speed trains were formerly operated over the crossing. To-day they are operated at a high rate of speed. Mr. McCallum, the city engineer, places it at 60 miles an hour. Possibly this estimate is a little high; but I have no doubt that, as a matter of fact, trains on this main line do run at a speed of 40 miles and upwards.

It is idle to contend that, under such circumstances, a double track street railway, with cars running as they will at comparatively short intervals, can be carried across the railway tracks on the level without serious jeopardy both to the rolling stock and to the public who use the crossing. By "the public" I mean not only that portion of the public who will travel in the street cars and on the highway, but also on the railway itself.

On the board rests the duty of determining the protection which should be provided at the crossing which is asked for; and it may specifically direct that one line or track, or one set of lines or tracks, be carried over or under the other.

I think there is no doubt but that the street railway and the city had agreed upon a proper and feasible solution of the question, and that the crossing should be effected by means of a subway.

As it developed at the hearing that the question of annexing to the city that part of the township which would be benefited by the new line was under consideration, and that petitions under the Municipal Act requiring such annexation had been filed, the question of the distribution of cost was not settled at the hearing, but was left over to enable the parties interested to determine whether or not the territory would be annexed; but the board was of the opinion that, in the meantime, the subway, as asked for by the Street Railway Company, might be constructed and that work thereon might proceed without delay.

Some questions have since arisen as to what the subway entails. The work should be constructed so as to allow—after whatever street pavement the municipality desires to adopt has been laid—a clear headroom of 14 feet between the highest point of the road surface and the lowest point of the overhead structure.

The subway plans call for approaches with a grade of 3 per cent. The usual practice calls for a grade not steeper than 5 per cent; so if the municipality desires to cut the grade of its streets to 3 per cent instead of 5 per cent, it may do so; but, following the decision in the Yonge Street Case, Toronto and other cases, the board consistently decides that the extra cost, over and above what a construction with a 5 per cent grade would have entailed, must be borne entirely by the municipality.

So far as the street railway is concerned, it does not desire a better grade than 5 per cent; and the railway company strongly objects to paying for a better grade than what is called for by the statute.

The right of way of the Grand Trunk is 100 feet wide. The plans which were prepared by the city, showing the proposed subway, do not extend it across this 100 feet; they show merely sufficient accommodation on the deck of the subway, that portion in which the railway company is interested, to accommodate four tracks.

Under the order already referred to, the right of the railway company to construct across the street is limited to four tracks. The city in its plans has gone as far as can be required of it; and, if the Grand Trunk finds that it is necessary to utilize the whole of its right of way, and requires, or thinks it will require in the near future, a subway with a deck of 100 feet, instead of that now proposed by the city—



6 GEORGE V, A. 1916

while I think the railway company is entitled to have it—the extra cost must be borne by the railway company. This extra must cover not only the additional length of the retaining walls and deck surface, but also the expenditure for additional land or consequent damage, if any, which may be incident to the extension.

The proceedings for annexation have not been carried out; and the city has asked that the cost of the subway be apportioned among the companies and corporations liable.

The Lords of the Judicial Committee of the Privy Council have since issued their judgment on the appeal of the British Columbia Electric Railway Company, Limited, against the city of Vancouver and the Vancouver, Victoria and Eastern Railway and Navigation Company.

Opportunity was given the parties to file written arguments on the question of the board's jurisdiction to apportion costs, in view of this judgment.

Not only owing to the importance of the question to municipalities, and provincial and Dominion railways but also because of the existence of dangerous grade crossings, the abolition of which will be difficult, if indeed possible in case the whole cost should be placed upon Dominion companies as well as on account of the amount which may be involved in this case, I propose to deal somewhat fully with the issue raised.

For ease of reference, the arguments submitted by the parties are now set out. That of the township of Barton is as follows:—

" 1. The application herein was made by the Hamilton Street Railway Company.

" 2. Their formal application is dated January 23, 1914, and is as follows:—

" HAMILTON, January 23, 1914.

" THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA, APPLICATION No....

" The Hamilton Street Railway Company hereby applies to the board for an order, under section 227 of the Railway Act, for permission to cross the tracks of the Grand Trunk Railway (main line), on Kenilworth avenue, in the township of Barton, county of Wentworth, as shown on plan and profile No. 525, and according to the provisions of section 10 of By-law No. 1430 of the city of Hamilton, and By-law No. 883 of the township of Barton, copies of which are submitted herewith, and for an order apportioning the cost of same between all parties interested.

" HAMILTON STREET RAILWAY COMPANY,

" EDW. P. COLEMAN,

" General Manager.

" A. D. CARTWRIGHT, Esq., Secretary,

" Board of Railway Commissioners for Canada,

" Ottawa, Ontario.

" 3. The Street Railway Company's application was made pursuant to an agreement made between the Street Railway Company and the city of Hamilton on the 10th of March, 1913, in which the city of Hamilton agreed (paragraph 10), to assist the Street Railway Company in an application to be made to this board for a subway beneath the main line tracks of the Grand Trunk Railway on Kenilworth avenue. The application was therefore really made by the Hamilton Street Railway Company and the city of Hamilton. Both these corporations have therefore invoked and have submitted to the jurisdiction of this board.

" 4. The keynote of the judgment of the Privy Council in the British Columbia Electric Railway Company case is expressed by Lord Moulton in these words—" It following, therefore, that the application was a matter between the corporation and the railway company alone, the tramway company was entitled to be present to see that its interests were not prejudiced by any order which

## SESSIONAL PAPER No. 20c

might affect injuriously property belonging to it. But the application was not made against it nor was it asking any privilege from the railway board so that its presence did not give to the railway board any jurisdiction to make this order against it.'

"The township of Barton has made no application nor is it asking for any privilege from the Railway Board. The street railway company did make the application. The property in the township of Barton in the vicinity of the proposed subway will be injuriously affected owing to change of grade by the construction of the subway and not benefited by it. Already one property owner at least, Traiton L. Moore, has made a claim before this board for compensation and is opposing the application.

"5. The Hamilton Street Railway Company, in its further answer of July 29, 1914, insists that the order is not made under section 59 of the Railway Act. Its formal application was under section 227 of the Act. If the order is not made under section 59 of the Railway Act, then it follows under the Privy Council judgment that this board has no jurisdiction to compel the township of Barton to pay any portion of the cost of the subway.

"6. If the board has no jurisdiction to compel the street railway company to pay a share of the cost under section 59, then it can have no jurisdiction to compel the township of Barton to pay any portion of the cost thereof. On the other hand, if the board has jurisdiction to compel the township of Barton to pay a share of the cost, then it also has jurisdiction to compel the Hamilton Street Railway Company to pay a share of such cost.

"7. The application herein is made under section 227 of the Railway Act as appears by the street railway company's formal application above set out. It is therefore submitted that the railway companies alone can be compelled under this section to pay the cost of this subway and that the board's jurisdiction is confined to adjusting the proportion of the cost as between the Grand Trunk Railway Company and the Hamilton Street Railway Company. The Hamilton Street Railway Company is within the jurisdiction of the board because it has made the application and the Grand Trunk Railway is within the jurisdiction because it is a Dominion railway corporation.

"8. It is therefore submitted on the proper construction of the judgment of the Privy Council in the British Columbia Electric Railway Company case that the board has no jurisdiction to compel the township of Barton to pay any portion of the costs of this subway; that the board has jurisdiction to compel the applicants, the Hamilton Street Railway Company and the Grand Trunk Railway, to pay the cost of the subway; and that that is the only jurisdiction which the board has in this matter, unless the city of Hamilton is also liable as being in fact a joint applicant under its agreement with the street railway company."

The argument made on behalf of the street railway company is as follows:—

"1. The order in this case seems to be similar to the order made in the case of British Columbia Electric Railway and Vancouver, Victoria, and Eastern Railway, as it is asking the street railway company to contribute to the cost of construction of an underground crossing as part of a municipal highway.

"2. If it is sufficient to relieve the Hamilton Street Railway from paying any portion of the cost of the said crossing to point out that the order is not made under section 59 of the Railway Act, it is submitted that the said order was not made under section 59, and that under section 227 no mention is made of the apportionment of cost.

"3. If an order is made making the street railway pay any portion of the cost, it is submitted there can be no other justification but that when the crossing

is completed the street railway will have the right to use it as well as private citizens.

"In answer to that, the street railway would say, as was stated by Counsel before the board, that the company are ready and willing to drop the extension, and that further, the entire extension was planned and is being executed solely at the urgent request of the city, and that evidence proving this can be readily obtained if the board desires evidence along these lines, and that the application is really the city's application and made by the street railway in compliance with the terms of their by-law at the city's request.

"4. It is also submitted that the by-law permitting the street railway to operate in the city of Hamilton expires in 1928, and that it is doubtful whether the amount that the street railway would have to pay toward the underground crossing (if any), could be added to the value of the street railway in 1928, if the city then see fit to exercise its privilege of taking over the street railway.

"Section 15 of by-law 624 of the city of Hamilton:

"The privileges granted by this by-law shall extend until the 22nd day of December, 1928, but at the expiration thereof, the corporation of the city of Hamilton may, after giving six months notice prior to the expiration of the said term of their intention to assume the ownership of the railway, and all real and personal property in connection with the working thereof, on payment of their value, to be determined by arbitration; and in case the said corporation should fail in exercising the right of assuming the ownership of the said railway at the date aforesaid, the privileges granted by this by-law shall continue, but the said corporation may, at the expiration of every five years to elapse after the said date, exercise the same right of assuming the ownership of the said railway and of all real and personal estate thereto appertaining, after one year's notice to be given preceding the expiration of every fifth year as aforesaid, and on payment of their value to be determined by arbitration; and any arbitration under this clause shall be subject to the provisions of the Municipal Act and of the Acts respecting arbitrations and references, and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of the arbitration; and in any such arbitration the valuation of the company's property shall be made upon the basis of the actual value thereof, without regard to the way in which it is being used and employed, or the net revenue received therefrom, and any contribution made by the city to the cost of the railway shall be taken into consideration."

"5. It is submitted even if the board has jurisdiction to charge any portion of the cost to the street railway, that it is not fair that it should do so."

In answer to these arguments, the city of Hamilton relies on paragraphs 1, 2, and 10 of the agreement already referred to.

Paragraph 10 has already been set out in this judgment, while paragraphs 1 and 2 contain the agreement of the Street Railway Company to lay the line in question, the application of the company to construct the line being absolute not only to build the work but to build it within 16 months from the time fixed by the city engineer for the commencement of the work, with the exception that in calculating the period of 16 months, the months of December, January, February and March, and the first 15 days of April should not be counted, nor any time that might be lost during the operation by causes beyond the control of the Street Railway Company, such as hearings and proceedings of the Board of Railway Commissioners, delay in putting streets to be occupied in proper condition, strikes, and questions arising with the township of Barton or the county of Wentworth as to the right to use Kenilworth avenue.

The Grand Trunk Railway Company's submissions were that, as the Street Railway Company is here the applicant, the judgment in the British Columbia case, which proceeded entirely under the peculiar circumstances of that case, was not applicable.



## SESSIONAL PAPER No. 20c

The municipalities as well as railways subject to provincial jurisdiction have been directed to contribute to works of this character, not only by the board but also by the railway committee of the Privy Council, whose duties are now performed by the board. Jurisdiction was conferred on the Railway Committee of the Privy Council, subject to sanction of the Governor-in-Council, by the Act amending the Consolidated Railway Act of 1879, the amending statute being 47 Vic., chap. 11, sec. 3. Under this section, which included, among other powers, the right to order that streets be carried either over or under the railway by means of an arch or bridge, instead of crossing the same on the level, the jurisdiction of the railway committee was confined to works which appeared to it expedient or unnecessary for the public safety and the direct power was conferred by the Act to apportion the cost of the work between the railway company and any other corporation or person interested therein as should appear to the committee to be just and reasonable.

The provision is continued in substance, although somewhat changed in form, by "The Railway Act" R.S.C. 1886, sec. 74. It may be noted that the right to apportion cost now reads between the company, that is the railway company, and any person interested therein, (i.e. the work), as appears to the railway committee just and reasonable, the words "other corporation or" being dropped in the new section. These provisions are re-enacted in the Railway Act of 1888 as sections 187 and 188.

No change was made in the statute until the Railway Act of 1903 was passed, as a consequence of which the Railway Board takes the place of the railway committee of the Privy Council. The first material section of the Act is section 47, which reads as follows:

"When the board, in the exercise of any power vested in it by this Act, or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality, or person, interested or affected by such order, as the case may be, and when or within what time, and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used or maintained; and the board may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or the supervision (if any), or the continued operation, use or maintenance of the same, or of otherwise complying with such order, shall be paid."

And sections 186 and 187, deal specifically with the powers of the board, having regard to either existing or proposed crossings of highways by railways. Under these new sections, the board should deal with questions arising under them, having regard to the protection, safety and convenience of the public. Under the prior legislation public safety only was the controlling consideration. Owing to the fact that the immediate necessity for the elimination of the grade crossing in this case is the proposed construction of the tracks of the street railway company, a provincial company, reference is made to sections 7 and 177. The effect of these sections is to place the local company under the jurisdiction of the board in so far as its crossing over the tracks of a Dominion company is concerned, with the right to direct that the tracks of one company be carried over those of the other.

In the Railway Act of 1906, section 47 becomes section 59, and sections 186 and 187 become sections 237 and 238 respectively. Sections 7 and 177 as re-drafted become sections 8 and 227.

Sections 237 and 238 were repealed by 8-9 Edward VII, chapter 32, sections 4 and 5, and new sections substituted therefor. These sections have not been since amended. The effect of the change is, in the first instance, to make it clear that the sections apply to projected as well as to existing highways or railways, the word "existing"

qualifying the words "highway" and "railway" being omitted and the word "any" inserted in its stead. The new section is extended in terms to the railway itself, so that railways may be carried over, along, or under highways and that railways may be diverted, and the direct right is given the board to consider not only the danger of obstruction arising from the particular crossing under consideration, but also in connection with any existing crossing. The change seems to be a change to render clear the jurisdiction of the board to order works such as the board ordered in the Toronto viaduct case (*C.P. Ry. Co. v. Toronto*, 1911, A.C. 461), where not only had the railway to be diverted, but the question as to danger at any one crossing had to be considered in connection with other existing crossings, and a solution applicable not to any one crossing but to a whole district had to be evolved.

The new section 238 makes these new provisions of the Act apply to crossings already constructed. Subsection 3 of the new section is not to be found in the previous Act. Its provisions are:—

"3. Notwithstanding anything in this Act, or in any other Act, the board may, subject to the provisions of section 238A of this Act, order what portion, if any, of cost is to be borne respectively by the company, municipal or other corporation, or person in respect of any order made by the board under this or the preceding section, and such order shall be binding on and enforceable against any railway company, municipal or other corporation, or person named in such order."

This section is very similar to the provisions of the Act of 1884 (47 Vic., ch. 11, s. 3), empowering the Railway Committee of the Privy Council to apportion the cost, except that "other corporation or person" in the old section must be interested in the improvement before it or he can be called upon to contribute. As it occurs to me, no jurisdiction could, or indeed should, be taken over any municipality, corporation, or person not interested in or affected by the works ordered, the powers of the board under section 59 are not as a matter of fact enlarged.

The Dominion Parliament has, in my opinion, no jurisdiction over municipalities or provincial companies in cases where interest in the works ordered does not exist. There is no power in the Dominion enabling it to require municipalities or provincial companies generally to contribute to the cost of works contemplated, or to pass laws affecting provincial corporations of any kind as such. The authorities do not go further than decide that, the precautions adopted being necessary, there is nothing *ultra vires* in the ancillary power conferred by the section to make an equitable adjustment of the expenses among the corporations or companies interested.

I am of the opinion that the judgment of the Privy Council in the Vancouver case is not a judgment of general application, as has been contended. It does not decide that provincial railway companies or inferentially that municipalities may not be called upon to contribute to the cost of works ordered under sections 237 and 238 of the Act, although it would appear to be clear that, in so far as provincial railways are concerned, the appropriate sections are 8 and 227.

The judgment is not a finding that the legislation of the Dominion affecting municipal corporations and provincial railways, regarding the question of safety, convenience, and protection at crossings of highways by Dominion railways or *vice versa*, is *ultra vires* of its ancillary powers. The case is undoubtedly authority for the proposition, that the board has no jurisdiction to consent to the municipality making a highway improvement and ordering that a provincial line contribute to the cost thereof. I think it may be said to determine that no local railway company can be subjected to any part of the cost of works which the board does not find to be necessary to remove a danger created in whole or in part by the crossing of a provincial line by a Dominion line.

Here there is no ground for contention that the subway in question is built merely as a matter of highway improvement. At present, the highway is level or

## SESSIONAL PAPER No. 20c

practically so. The subway, while relieving highway traffic from the danger of a crossing, creates new grades, and to that extent constitutes an impediment to street traffic.

Construing the judgment in the British Columbia case as I do, it is necessary to consider the general principle applicable.

The rights-of-way of railway companies, whether Dominion or provincial, are in a sense public highways, and have often been so considered. They are both subject to the same public right. They are public conveniences differing in degree only and not in principle from toll roads, a direct payment having to be made by the public for the right to pass over any of them. In so far as the ordinary municipal highway is concerned, there is, of course, no toll, because the public contributes out of the general fund or through special assessments under the appropriate local improvement clauses to the construction and maintenance of the highway.

The mere existence of junctions or crossings of these respective highways constitute no danger in itself; the danger is that which results from conflict of traffic or use.

I find that the practice of the board in the past has been directed entirely to the consideration of the question in accordance with this principle: no orders for special protection have been made as the result of the mere existence of crossings; the concluding factor in each case has been the amount of traffic, its character, and the surrounding conditions which might make the use of the crossing unduly dangerous.

In the case of the Toronto Suburban crossing of the Grand Trunk (the Toronto Suburban being a local line), the principle was perhaps extended by the late Chief Commissioner who, on the local company establishing that, while the number of cars passing on its line had decreased, the traffic on the Dominion line had materially increased, changed the basis of contribution to the safety devices maintained, by revising the share of the cost of maintenance which the previous order had placed upon the local company.

The principle on which cost has been divided seems to be, at least in part, that the companies or municipalities contributing to the common danger which is obviated or minimized, should contribute in proportion, with the modification that, where conditions of traffic have not changed much since the original right of crossing accrued, priority of title at the point of crossing is taken into account. The practice that has obtained also, to some extent at least, probably rests on the fact that, with the admitted danger at many crossings in the country, where, in some instances the highway construction is prior to and in other cases subsequent to that of the railway it would be impossible to eliminate the danger, if the whole cost were placed upon the Dominion company; while, on the other hand, it is undoubtedly a great advantage to municipalities to obtain the elimination of dangerous crossings.

The question, however, is not what ought to be done, but is one of jurisdiction. The Dominion legislation has been sustained by the courts on more than one occasion when it has been invoked for the purpose of supporting or creating a liability on a municipal corporation. In *re* Canadian Pacific Railway Company and county and township of York (1898), 25 A. R. (Ontario) 65; *Toronto vs. Grand Trunk Railway Company* (1906), 37 S. C. R. 232; *Canadian Pacific Railway Company vs. Toronto* (1906), 7 C.R.C. 274, and (1908) Appeal Cases 54.

Although provincial railways have in turn been ordered by the Board to contribute to the cost of protection at crossings of their lines by Dominion railways, not only where their line has been built on a private right-of-way, but also on public highways, the jurisdiction of the board to make such orders does not seem to have been challenged until the question was brought up in the Vancouver case.

On the broad question of Dominion jurisdiction, there would seem to be no reason why the local municipality deriving no direct revenue or benefit from the traffic on its highway, should be subject to Dominion legislation compelling it to contribute to the cost of protecting that traffic from the danger incident to the operation of a Dominion



line, if at the same time such legislation is *ultra vires* as against the Provincial Railway Company whose revenues are in part derived from its traffic operations which, as a result of the same legislation, become protected.

That general question, however, need not be pursued to an ultimate end in this case. The local railway company is desirous of getting a crossing. If it were applying for a crossing on its own private right-of-way, its application would be granted only on condition that it constructed at its own cost a subway sufficient to carry its tracks under the Dominion Railway.

Note in *re* attorney general of the province of Alberta *v.* the attorney general of the Dominion of Canada, *et al.* (1914), 31 Times Law Reports, 32.

The mere fact that it desires its crossing along the line of the public highway cannot, in my view, detract from the right of the board to determine how the crossing shall be effected, or at whose expense. Indeed, the only question at all open is that of expense, as the local company itself considers the subway necessary and asks for it.

On the other hand, simply because a subway is necessary for the purposes of the local line, it would be manifestly unfair to saddle that company with the cost of a subway sufficient not only for its purposes but for highway traffic.

Perhaps it would not be out of place to point out the manner in which the board, a Dominion creation, has dealt and should deal with matters affecting not only Dominion corporations but municipal and provincial interests where, as in this case, it becomes necessary.

The controlling interest recognized by the board is that of the public, irrespective entirely of the accident whether that preponderating interest is either represented by or supports a Dominion or provincial company.

The question as to whether or not railway crossings should or should not be allowed is governed by the consideration of that predominating interest—whether that public interest be local, provincial, or dominion in character.

The crossing is a crossing which, in the interests of public safety, sooner or later should be protected. The board is able to contribute 20 per cent of its cost, with an ultimate limit of \$5,000.

Under the authorities, there is no doubt but that the township of Barton can be called upon to contribute. The highway at the crossing in question is its highway. Its interest, however, is small compared with that of the other parties; and I think it should be asked to contribute only the comparatively small share of  $7\frac{1}{2}$  per cent of the cost remaining after the contribution that may be made from the fund has been deducted. The Grand Trunk Railway Company should contribute  $32\frac{1}{2}\%$  of the remainder. The city municipality, under its agreement on file with the board, has bound itself to pay one-half the cost of protection by gates and watchmen when necessary. The maintenance of gates and watchmen capitalized means a considerable cost amounting to \$30,000 or \$35,000. The subway affords a much better protection; and the city is also directly interested in the application, which is, indeed, made as a result of the agreement which it entered into with the Street Railway Company. Therefore, having regard to the estimated cost of the subway, I think, a fair proportion, say 25%, should be placed upon the city; and the remaining 35% should be paid by the Street Railway Company—the granting of whose application makes the structure necessary in the present instance. It may be said that this sum will be less than what the cost of a proper subway, carrying the street railway double tracks under the railway lands and apart from all highway accommodation, would amount to. Owing to the fact, however, that its franchise is not perpetual, and that it gets only a restricted right in the present subway, instead of the interest which it would have in one constructed on its own right-of-way, the percentage now fixed is fair.

Money by-laws may, of course, be passed by the interested municipalities, under the provisions of The Municipal Act 1913, S. 289, ss. f, without the assent of the electors.

Mr. Commissioner Goodeve concurred.

Ordered accordingly.

## SESSIONAL PAPER No. 20c

MOOSEJAW BOARD OF TRADE'S COMPLAINT *re* COAL RATES.

Judgment, Chief Commissioner DRAYTON, December 5, 1915:

This is an application made by the Moosejaw Board of Trade.

The request is for an order directing a substantial reduction in the freight rate on coal from the Drumheller coal mines to Moosejaw. The application states the distance to be 464 miles and the present rate \$3 a ton.

The application further goes on to say that, when compared with other rates made in the decision in the Western Rates Case, the rate seems excessive; and that, when compared with the rate from Drumheller to Regina, it appears to be discriminatory against Moosejaw. The application further states that the rate on coal from Drumheller to Regina, a distance of approximately 31 miles further, is \$2.90.

The application is correct in giving the mileage from Drumheller to Moosejaw, and also the rate.

The application, however, is probably launched in error of the manner in which coal is hauled on the Canadian Northern Railway to Regina. Drumheller coal to Regina moves along the rails of the Canadian Northern entirely, through Saskatoon, that company by that method obtaining the benefit of the entire haul. If coal was taken in the same way by the Canadian Northern to Moosejaw, over its own lines, it would mean that coal on arrival at Regina would continue easterly to Maryfield; thence westerly by way of Lampman and Radville to Moosejaw.

The result is that so far as a movement on the Canadian Northern is concerned, the fact is not as alleged that the haul to Regina is 31 miles longer, but on the contrary the haul to Moosejaw would be 372 miles longer than the haul to Regina. This, of course, would be an absurd movement. The proper movement, in the interest of the consumer, to Moosejaw, is that under which the coal actually moves, which means that it is taken by the Canadian Northern to Conquest where it is turned over to the Canadian Pacific, with the effect that the haul which would be by the all Canadian Northern route 847 miles, becomes 446 miles.

It is a well known principal that a joint service covering as it has to the transfer services from one railway to the other, and duplicate accounting, is more expensive than a service on a single line.

Under the Western Freight Rates Judgment an extra charge is allowed amounting to 20 cents a ton to cover this extra expense. This extra 20 cents a ton is probably difference which has appeared to the applicants as being unreasonable, owing to the fact that the movement which has actually taken place was not before them. If the Regina coal had moved through Moosejaw for the further distance as the application would show, there undoubtedly would be some grounds for complaint. In view of the actual circumstances, there are none.

It is, of course, idle to attempt to compare rates one with the other on a strict mileage basis, the cost per mile varying, particularly in the coal business, very greatly having regard to the length of the haul. To illustrate this fact, while the rate to Regina is as shown but \$2.90 the rate to Avonlea which takes the full Canadian Northern rate, and is about double the distance that Regina is from Drumheller, being only some 30 odd miles south of Moosejaw, is \$4.

Commissioner McLean concurred.

QUIRY OF A. B. BUCKWORTH, VANCOUVER, B.C., IF THE BOARD HAS ANY JURISDICTION OVER RATES CHARGED BY THE CONSTRUCTION DEPARTMENT FOR HAULING FREIGHT OVER LINES NOT OPEN FOR TRAFFIC.

Judgment, Mr. Commissioner McLEAN, December 8, 1914:

The shipments in question moved from Ymir, B.C., on the Great Northern, to Melfe and Shaunavon on the C.P.R. At the time of the movement, which was in

March of the present year, the line between Assiniboia and Lafleche and Shaunavon was in the hands of the construction department, and no through rates to Lafleche and Shaunavon were at the time operative. The shipments were billed to Assiniboia at 35 cents per 100 lbs., which was the proper rate under the tariff. Beyond to Lafleche and Shaunavon the standard 10th class rate was added. This gave, in the case of Shaunavon, a total rate of 49 cents, while in the case of Lafleche there was a total rate of 41 cents.

Reference is made by the applicant to the fact that by Supplement 27 to C.P.R.C.R.C. W-1806, effective June 24, the through rate from Nelson to Shaunavon is 37 cents, while from Nelson to Lafleche it is 35 cents. As a matter of fact, these rates had been put in at an earlier date, effective May 5, by Supplement 26 to the already mentioned tariff. The rate from Ymir being 2 cents over Nelson, would give to Shaunavon a rate of 39 cents and to Lafleche a rate of 37 cents, which rates, however, were not published by the Great Northern until issuance of its Supplement 8 to C.R.C. 977, effective July 1, 1914. The rates as charged are complained of as being prohibitive, and claim for refund is made.

The portion of the line over which the movement to Lafleche and Shaunavon is concerned was opened for traffic by Order No. 21227 of January 19, 1914. A speed limit was imposed, which was removed by Order No. 21785 of May 8, 1914. The Canadian Pacific did not show stations on this line west of Assiniboia until May 1, this being done by their Supplement 9 to C.R.C. W-1914. The effect of this was to put into operation the following mileage tariffs:

C.R.C. No. W 1916, Brick, clay, gravel, sand and stone.

"	"	"	1734, Butter, eggs, cheese, and dressed meats.
"	"	"	1556, Posts, rails, and poles for fencing purposes.
"	"	"	1810, Cordwood and slabs.
"	"	"	1339, Live hogs for packing and reshipment.
"	"	"	1745, Live stock.
"	"	"	1823, Grain, flour, vegetables, etc.
"	"	"	1443, Merchandise.

The situation in the present application is on all fours with what is set out in the complaint of the Riverside Lumber Company, in connection with the rates charged by the Canadian Pacific on its Weyburn-Lethbridge branch from Viceroy to Assiniboia File 8262-42. In the present application, as in the application of the Riverside Lumber Company, the railway was for a period of time operated by the construction department. Here, as in the Riverside Lumber Company's complaint, there was in existence standard mileage sufficient to cover the additional mileage as soon as opened for traffic. Consequently, with opening for traffic from Assiniboia to Shaunavon, the standard tariffs and the rates thereunder were legally in effect. As pointed out, in dealing with the Riverside Lumber Company's complaint, the board is not concerned with the distinction between the construction and operating departments. What is of importance, regardless of how the traffic was handled, is whether the provisions of the Railway Act in regard to tolls have been complied with.

The standard rates were the only rates which were legally effective at the time the traffic moved. The special tariff under which the lumber rates became effective did not become operative until May 5. The lumber rates, as pointed out in the complaint of the Riverside Lumber Company, are special rates which within their territory are of general applicability, and do not vary from one portion of such territory to another with differences in condition of the traffic or cost of operation.

There is not before the board anything to show what justification, if any, there was for the delay between January 19, 1914, and May 5, 1914, in putting into operation the said rates. It is within the position laid down in the complaint of the Riverside Lumber Company to say that the portion of the road having been opened for



## SESSIONAL PAPER No. 20c

traffic between Assiniboia and Shaunavon, the delay in installing these rates created an unjust discrimination. But the declaration cannot go any further. The board has no power to direct a refund. The rates complained of as discriminatory have been removed and with them the cause of complaint has also been removed.

Chief Commissioner Drayton concurred.

AN APPLICATION OF THE YUKON GOLD COMPANY, UNDER SECTIONS 26 AND 167, FOR AN ORDER REQUIRING THE KLONDIKE MINES RAILWAY COMPANY, AT ITS OWN EXPENSE, TO ELEVATE ITS TRACKS TO AN AVERAGE HEIGHT OF FIFTEEN FEET ABOVE THEIR PRESENT LEVEL OVER THE FOLLOWING SECTIONS OF THE RAILWAY SITUATE IN BONANZA CREEK, IN THE YUKON TERRITORY, NAMELY, FROM THE UPPER LINE OF CLAIM 80 TO THE LOWER BOUNDARY LINE OF CLAIM 97 BELOW DISCOVERY, AND FROM THE UPPER BOUNDARY LINE OF CLAIM 20 TO THE LOWER BOUNDARY LINE OF CLAIM 29 BELOW DISCOVERY.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, December 9, 1914:

The conclusion we have come to is that it would be improper at the moment to deal with this matter one way or the other. So far as the railway company is concerned, it is not suffering any damage—perhaps I should not say any damage; but it is, at any rate, suffering very little damage by reason of the action of the Placer Mining Company. It is not operating; at present it is performing no public service; and the interference with its track constitutes no public evil. Apparently the mining company also is not worried very much by the fact that the rails are in its way. It has gone on irrespective of the rails; it has run its works over the railway company's tracks, and is continuing its operations.

I do not know why we should interfere in any way in case of the railway company. Supposing that its contract is entirely unenforceable; supposing that everything that has been said in its behalf is correct—I cannot see why we should interfere in case of the company, in the absence,—as here there is a total absence,—of any public interest. I have no doubt the Yukon courts know a great deal more about mining business than we do. This whole question is now up before them; and it may be that we shall never have to deal with it at all.

So far as the railway interests are concerned, it is obvious that we shall never have to deal with this matter unless the Treadgold proposition becomes a reality, and unless there is the development which is talked about as imminent and the business offers. So far as the mining company is concerned, it is not in need of an order at present; it is not now operating; it is closed down for the season; and if the Yukon courts deliver a judgment restraining the company from carrying on its work properly we will then take the matter up and consider it on the evidence now before us, with such other statements as counsel may desire to make, explaining the action of the courts, should that action be as I indicate.

While the matter is left as just stated, I may add that the board will not do anything to prevent the railway company from carrying out its contract, should it desire to do so. In other words, on the railway company filing an appropriate application for leave to re-locate its line, an order will be made without the formality of another hearing.

APPLICATION OF MESSRS. S. A. HAMILTON COMPANY, LTD., OF MOOSEJAW, SASK., FOR A TRANSFER TRACK BETWEEN THE CANADIAN NORTHERN AND CANADIAN PACIFIC RAILWAY COMPANIES AT HAWICK, ALBERTA, OR, AS AN ALTERNATIVE, AN ORDER FOR THE ISSUANCE OF A JOINT FREIGHT TARIFF ON COAL BY THE CANADIAN NORTHERN RAILWAY AND CANADIAN PACIFIC RAILWAY COMPANIES BETWEEN DRUMHELLER AND MOOSEJAW, SASK., VIA THE CITY OF CALGARY, ALBERTA.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing, December 10, 1914.

6 GEORGE V, A. 1916

Mr. Hamilton, a coal merchant in Moosejaw, is interested in the sale of coal mined at Drumheller, on the line of the Canadian Northern. He has told us that the service of the Canadian Northern via Delisle to Conquest, where a transfer is made to the Canadian Pacific, which company brings it into Moosejaw, is rather slow; and he suggests that, instead of the coal going east on the Canadian Northern it might go west a short distance from Drumheller to Hawick, where the connection is applied for with the Canadian Pacific. It could then be brought in over the Canadian Pacific to Moosejaw.

It appears that this transfer is asked for only for the purpose of this coal. There is no other public necessity that we have heard of which would require a transfer at this point.

The Drumheller mine is on the Canadian Northern. As it moves at present the Canadian Northern has the long haul. It is customary to let the railway upon whose line an industry is established, have the long haul. In fact I think they would make it very inconvenient if the shippers tried to send the coal in any other way.

Mr. Warren of the Canadian Northern has undertaken to say that there will not be the loss of time in the future that has occurred in the past.

The transfer at Hawick, we are told, would cost something like \$4,500 to install, and then there would be some cost in maintenance.

We do not feel justified under the present circumstances in putting that cost upon the railway companies. The railway companies would ultimately get that amount out of the public in the end in their rates; and, at the present time, it is undesirable that any additional burden should be put upon the railway companies, which undoubtedly would reflect back upon the public in the course of time. Unless the mine owners are so anxious that they will come forward and pay the cost of the connection, we feel that we should not order it. In municipalities, cities, and towns, there are many industries that pay a great deal more than \$4,500 for railway facilities. It might be possible for these mine owners to get together and pay that amount. However, there is no such offer as that before us, and on the present facts the application is dismissed.

#### APPLICATION OF THE CITY OF WINNIPEG FOR A SUBWAY AT MAPLE STREET, WINNIPEG, MANITOBA.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing, December 12, 1914:

Some years ago Maple street from a point about 92 feet north from the northerly boundary of Higgins avenue was closed and conveyed to the Canadian Pacific by by-law passed by the city of Winnipeg.

The Canadian Pacific Railway Company is now spending a great deal of money in improving their station facilities in Winnipeg. They are elevating their tracks and providing, among other things, baggage facilities underneath the tracks on a lower level than the level of Higgins avenue. They are providing an approach into their baggage room from Higgins avenue over Maple street as it exists and then over the property which formerly was Maple street, but which is now the property of the Canadian Pacific. This approach is for vehicular traffic, express wagons going to and from the baggage station.

The city of Winnipeg doubtless moved by the excavation they had seen on the ground thought it wise to endeavour to get Maple street, which was closed by by-law some years ago, re-opened and carried through under the elevated tracks of the Canadian Pacific so that they would have a subway for travel north and south in addition to the subway which they now have at Main street to the west and in addition to the subways to the east at Rachel street and Higgins avenue.

## SESSIONAL PAPER No. 20c

There is undoubtedly a great deal of travel on the streets of the city of Winnipeg north and south, and the people of Winnipeg are undoubtedly seriously handicapped by the lack of communication from the north to the south on the west side of Main street.

It is suggested that, if Maple street was opened it would relieve the rather heavy travel on Main street. I think that is true, and if it were possible without destroying or materially injuring the very excellent plan which the railway company has prepared to handle this business at this enlarged station, to open Maple street through, I would feel inclined, upon proper compensation being paid the railway company, to accede to the city's request. But the railway company produces its plans, explains the work it has actually done, and shows that it requires all the space shown on these plans for baggage purposes.

The suggestion of the city is that that baggage room might be shortened up and that wagons going to and from the baggage room, instead of using the property which was once Maple street to stand upon, should back into the west of it and thus allow a free passage through the company's property which was once Maple street.

We think that the railway company's plans cannot be changed without injury to the public interest. It is very much in the interest of the public, that proper facilities be provided for the handling of baggage.

This board is giving a good deal of thought to station facilities in connection with the station which it is hoped at some date will be erected at Toronto, and we realize that it is very important in the public interest that ample space be given for the handling of baggage. We think that the baggage room would be too small if the city's suggestion were carried out. While we would like to have seen a passageway through here for vehicles, we do not think it can be granted. It is a question of the interest of the travelling public. It is not the facility of the Canadian Pacific so much as it is the facility of the public. The Canadian Pacific is not going to have its office there. It is not going to use the property for its own exclusive use. It is not going to use it to collect revenue of any kind. It is providing this large concourse in the front of its baggage room in the public interest that the public may be able to go to and from the baggage room. As has been pointed out, there is no additional revenue to the Canadian Pacific, except in increased business to be gained by spending the money it is spending in improving its facilities.

Under these conditions, we do not think it would be proper for us to take any of that land away from it for a vehicular subway at Maple street.

We think, however, that a pedestrian passageway can be put through there. The letter of the vice-president of the company to the mayor has been read, and Mr. Sullivan to-day has said that the company is willing to give a passageway through there for pedestrians. I think that will be of material assistance to the people of Winnipeg, instead of having to walk over to Main street to go through that subway they can pass through here. It does not matter so much when you are driving because it only means sitting in the conveyance a few seconds longer; but walking there is a difference of course.

It may be that, at some future date, if that Immigration Building is moved, a subway could be put through immediately to the east of the baggage concourse. That is a matter which will have to be taken care of in the future. It was first said the Immigration Building may be moved; then it was said it would not be moved at present. However, on the present lay-out, as I have said before, we feel that it is not practical in the public interest to open a vehicular way through on the line of the continuation of Maple street.

If the parties cannot agree upon the character of the pedestrian way through there, either of them will refer the matter to the board, we will go into it and see that a proper pedestrian subway is provided; but probably the railway company will be able to satisfy the city in that regard.

The application is refused.



6 GEORGE V, A. 1916

Mr. HUNT: Except as to the pedestrian way.

The ASSISTANT CHIEF COMMISSIONER: Except as to the pedestrian way.

THE RAILWAY COMPANIES WILL BE REQUIRED TO JUSTIFY THE PROPOSED CANCELLATION, JANUARY 1ST, OF THE ARRANGEMENTS WHEREBY MIXED CARLOADS OF FOREIGN AND NATIVE LIQUORS, AND MIXED CARLOADS OF 5TH CLASS GROCERIES AND 4TH CLASS DRIED FRUITS ARE CARRIED AT THEIR RESPECTIVE CARLOAD RATES BETWEEN POINTS WEST OF INCLUDING PORT ARTHUR, AND THERETO FROM EASTERN SHIPPING POINTS.

Oral judgment delivered by Chief Commissioner DRAYTON at the close of the hearing, December 12, 1914:

It may be that, academically speaking, Mr. Shaw is quite right and that what Mr. Dewey has said is correct; but I do not know of any academic rates (if there are any, I see no reason why they should continue); and it may be that by the improper process, academically speaking, a rate obtains here which is entirely just as a rate, but entirely wrong academically.

It seems to me that, when the work was done which the board has been given to understand was in connection with an attempt, which may or may not be successful, but is made in good faith, with a view to arrive at a more rational and just classification,—it might reasonably have been expected that such changes in the classification as are now proposed would have been postponed till the time when the general re-classification scheme was submitted.

As the matter now stands, it rather looks as if any action taken by the board to-day might tie its hands in dealing with the principle of the new classification, as undoubtedly it will be called upon to do.

There are other interests besides those represented here to-day, which interests have not been heard; but they say they are sending on their written statements; and for that reason, as well as for the classification reasons I have referred to, all that we will do now is to suspend this proposed cancellation until further order. This action does not deprive the companies of the right to have the matter dealt with on its merits—not on a technical point, as it was dealt with in Montreal. We are not in any way pre-judging what is going to be done on the main issue.

Further. Referring to Mr. Shaw's statement regarding the effect of the decision in the western rates case upon the revenues of the railway companies, I may say that it is difficult to see how any action we could take in this case, with a view to the increase of revenues, could very well be justified in view of the finding in the said western rates case.

APPLICATION OF THE CANADIAN NORTHERN RAILWAY COMPANY FOR AUTHORITY TO REMOVE THE CONNECTION BETWEEN THE CANADIAN PACIFIC RAILWAY COMPANY AND THE WINNIPEG JOINT TERMINAL TRACKS AT HIGGINS AVENUE, WINNIPEG, MANITOBA.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing, December 12, 1914:

The Canadian Northern Railway Company which is the successor in title to the Winnipeg Transfer Company, applies for the right to cut out the connection with the Canadian Pacific at the north end of the Transfer Company's line just west of Gomme street and north of Higgins avenue. The Canadian Pacific Railway Company is indifferent in the matter. There are four parties whose property lies north of Higgins avenue who say that the transfer track has been used as a service track from the Canadian Pacific to their industries for a number of years. The original connection was made pursuant to an order of the railway committee of the Privy Council on the 29th of November, 1890. Subsequent to that date these parties commenced to enjoy the privilege of having switching done from the Canadian Pacific to their industries. We do not know exactly when, but for a considerable number of years they have enjoyed this privilege.

## SESSIONAL PAPER No. 20c

The Canadian Northern Railway Company says that that was not the intention when this connection was made; that the original intention was that the line was to be used for transfer only.

Mr. Ashdown says that at the time the right of way was acquired from him through lots 9 and 10 on the north of Higgins avenue, it was understood he was to have the right of service from the Canadian Pacific tracks.

The Canadian Northern points out that in the deed from Mr. Ashdown to the railway company that condition does not appear. However, Mr. Warren very fairly says that if Mr. Ashdown makes that statement he is not prepared to dispute it.

Apparently, the only prejudice to the Canadian Northern by the continuance of this arrangement is that they are losing a certain amount of revenue. If the connection were taken out these parties would have to be served from the Canadian Pacific through the Canadian Northern, and the Canadian Northern would get the switching allowed by the interswitching order.

We feel that these parties having enjoyed the switching from the Canadian Pacific for a certain length of time, whether it is a right or privilege, should be allowed to continue that right or privilege, and we feel that a proper compensation can be made to the Canadian Northern for the continuance of this right or privilege.

It being decided, therefore, that the Canadian Northern application to remove the connection is refused, the only point remaining is to decide how the Canadian Northern should be compensated.

I think the principle having once been decided that these parties are to continue to have switching service from the Canadian Pacific, that the railway companies can get together and agree upon the use of the track north of Higgins avenue on a joint arrangement. It may be that the parties should pay so much per car for the Canadian Pacific bringing the cars in there, or it may be that some portion of the capital account could be paid by these parties and they receive the right in perpetuity.

Whatever arrangement is made, it seems to me that we should not decide now how that should be done. The parties, the two railways and the parties interested, should have an opportunity of thinking the matter over, getting together if they can, and, if not, notifying the board and we will fix how the railway company is to be compensated.

An order will, therefore, go refusing the application and stating that the four parties north of Higgins avenue, that is, the Wilkinson Company, the Dyson Company, the Sawyer-Massey Company, and Mr. Ashdown, are to continue to have this privilege upon terms to be fixed.

If, as I have said, the parties cannot agree upon the terms, the board will fix them; but we would rather that the parties should try and get together. If they cannot get together, let them make a submission to the board of what they think would be fair.

Mr. WARREN: Might I ask if your decision is that you are practically ordering a joint section?

The ASSISTANT CHIEF COMMISSIONER: We are ordering the continuance of the service that these people have had there by joint section or by a payment per car on a wheelage basis, or something of that kind; but we are not deciding now how the matter is to be worked out.

Mr. WARREN: Until arrangements are made with the Canadian Pacific, that are agreeable to the Canadian Pacific and the Canadian Northern, we have the privilege to keep the Canadian Pacific off from there?

The ASSISTANT CHIEF COMMISSIONER: No. An account of the cars is to be kept, and whatever arrangement you make will be effective from to-day.

Mr. WARREN: In other words, it is practically ordering a joint section.

The ASSISTANT CHIEF COMMISSIONER: I have told you what we are ordering.

Now, you gentlemen interested in this assure us, you can keep a strict account of all the Canadian Pacific cars brought in there. We want that done. You must be

prepared to submit a statement to the railway companies and to the board whenever called upon.

Mr. LESUEUR: Yes.

Mr. WARREN: And what would you say that they should pay for the back ones?

The ASSISTANT CHIEF COMMISSIONER: This is to be effective from to-day. We say nothing in reference to back ones.

COMPLAINT OF THE MUNICIPALITY OF NORTH HIMSWORTH, HAVING REFERENCE TO THE ENCROACHMENT THE DOCK SIDING OF THE GRAND TRUNK RAILWAY COMPANY HAS MADE ON MAIN STREET, CALLANDER, ONT.

Judgment, Chief Commissioner DRAYTON, December 15, 1914:

The complaint was opposed by the railway company on the ground that the track had not been objected to by the municipality and had been laid for many years.

The railway company was unable to find records as to the location of the track, and submitted that, in view of the admitted age of the construction, the board should assume that track was located under proper authority and consent.

An inspection was had by an engineer of the board, from which it appeared that, at the crossing of Burritt street, Main street has at present a width of about eighteen feet, a portion of which was taken up by sidewalk, with the result that when two vehicles required to pass at the point one of them usually took part of the sidewalk and that in wet weather the sidewalk was consequently covered with mud. The report of the engineer suggested the widening of Main street by an additional twelve feet on the west side, as shown on the plan, and that the sidewalk should be reconstructed.

Mr. Moon, clerk of the municipality, who was present at the inspection, was of the view that, if an additional twelve feet was provided, the municipality would be satisfied. Subsequently the board received a letter from Mr. Moon advising the board that the council had passed the following resolution:

"That this council accept plan of proposed widening of Main street by Grand Trunk Company, the railway company to procure land, build the street, and place concrete sidewalk on the west side."

The board directed the company to do the work. Subsequently the following letter was received from the railway company;

"We have been endeavouring to purchase the land required to carry out the wishes of the board regarding the widening of Main street at the point in question, but the price asked, 50 cents per square foot, is so exorbitant that we do not see our way to pay it.

"The owners are—

"1. Mr. J. R. Moon, township clerk, North Himsworth, owner of lot 7, of which we require 862 feet, for which he asks \$431. His lot, 69 feet by 132 feet, is assessed \$350 for buildings and \$225 for land.

"2. Mr. Windsor, owner of lot 8, of which we require 610 square feet, for which he asks \$310. His lot, 56 feet by 132 feet, is assessed, land \$225, buildings \$125, total \$350. We also require to take from lot 9, owned by Mr. Windsor, 198 square feet, for which he asks \$99. The lot, 66 feet by 132 feet, is assessed at \$225, buildings \$250.

"None of the buildings will be interfered with. Under the circumstances we would like to be advised whether the board will consent to the matter standing until the owners are ready to accept a reasonable price, or do they desire us to apply for an order under section 178 of the Railway Act, authorizing us to expropriate the land required?"

As the widening was necessary in the public interest, the board instructed the company that the work must proceed, and an application has since been received



## SESSIONAL PAPER No. 20c

from the railway company for an order allowing the company to take the lands required for the street widening from the owners interested, Mr. J. R. Moon and Mr. W. T. Windsor. The land owners have been served and their reply received by the board. They object to an order for expropriation going on the ground that it would necessitate the moving of houses, thereby injuring gardens and flower plots, and that the railway company has made no offer to compensate.

The railway company states that the taking of the land does not involve the moving of any house. The land owners are fully protected in any objections which they make by the provisions of the Railway Act. The work is a work of public convenience which the private interests of the landowners cannot overrule.

The order may go.

Deputy Chief Commissioner Nantel concurred.

APPLICATION OF THE FORT WILLIAM BOARD OF TRADE FOR AN ORDER DIRECTING THE CANADIAN PACIFIC RAILWAY COMPANY TO PROVIDE LOCAL FREIGHT SHEDS AT FORT WILLIAM, SEPARATE FROM WHARF SHEDS.

Oral judgment delivered by Assistant Chief Commissioner SCOTT at the close of the hearing December 16, 1914:

With regard to the application of the Fort William Board of Trade with reference to the facilities at the freight sheds for local freight, we have had the advantage of going over the question on the ground with our operating officer.

It is true that the present facilities at the northeast end are perhaps a little too congested so far as the approach is concerned, and the space for teams to stand on is not very large. The shed itself is amply large to handle any business provided that the doors and the platform enabled enough teams to get there. So far as the present volume of freight is concerned, there does not appear to be any congestion. Mr. Murphy has shown us a plan, however, showing a complete change of method. Instead of handling the local freight from the northeast, they will handle it from the southwest end of the freight shed of number 5. This cannot be done at the moment, because the subway under the railway track leading off Syndicate avenue has not been paved. An agreement was made some time ago between the city and the railway with regard to the construction of the subway. We are told that the city agreed to pave it; but that they have had some difficulty from the legal point of view in providing the money. As I have already pointed out, I think there is a method,—I think there are several methods—whereby the city could be empowered to legally get the money for the paying of its share of that work.

I cannot see that the railway company is in any way to blame for the delay in the paving provided the statement is correct that, under the agreement, the city was to do it.

When the subway is paved, and I think no delay should occur on the part of the city in putting itself in a position whereby it can have that done, then the Canadian Pacific can provide much better accommodation for handling local freight. There are now two doors at the southwest end, but our operating officer, after discussing the matter with Mr. Murphy, advises us that the railway company can provide more than those two doors, perhaps three or perhaps four, and we think that, so far as the tonnage at present presenting itself is concerned, with this improvement there will be ample accommodation for handling the local freight of Fort William, both incoming and outgoing. It seems to us that, when Syndicate Avenue subway is in a position where it can be used, the present shed will be a very convenient spot to handle promptly the local freight both in and out.

Therefore, the application is dismissed.

We will see, of course, that the improvements are made, just as soon as the subway is in shape. I have no doubt, however, that the railway company will make the improvements without the intervention of the board; but if it does not—if notified—we

6 GEORGE V, A. 1916

will see that the railway company does make a change and provide as good facilities as possible at the southwest end of the shed.

Mr. DOWLER: Will you permit me to ask that, in a sense, the dismissal should be considered as without prejudice? I suppose probably it is that way legally anyway. We may renew it?

The ASSISTANT CHIEF COMMISSIONER: Certainly.

Mr. DOWLER: We can renew it when we see the effect of the change that they have made.

The ASSISTANT CHIEF COMMISSIONER: You are perfectly free to come back to the board at any time if you find the change they contemplate making is not satisfactory.

COMPLAINT OF D. A. BROWNLEE, RICHMOND, ONT., AND W. F. GARLAND, M.P., *re* COAL RATES.

Judgment, Mr. Commissioner McLEAN, December 24, 1914:

Complaint is made that in the shipment of coal from the Lehigh Valley Coal Company of Syracuse, N.Y., to Richmond, Ont., there is charged by the Canadian Northern, all rail, for its portion of the haul from Ottawa to Richmond, a distance of 19 miles, a rate of 60 cents. The rate in question is taken from a mileage commodity tariff specially applicable to coal. The tariff being one in which mileage grouping is used, the appropriate distance on which to base the rate is 20 miles.

As shown by the freight bill submitted with the complaint, the car, which is used as the basis of the complaint, moved from Coxton via the New York Central System, arriving in Ottawa over the Ottawa and New York railway, which is controlled by the New York Central System.

The applicant's complaint, while directed at the particular charge made by the Canadian Northern, is more particularly concerned with the allegation that formerly when he shipped to Stittsville by the Canadian Pacific and then hauled the coal by wagon to Richmond he received "Ottawa rates".

The reference to "Ottawa rates" by the applicant must be in error. The tariffs on the board's files show that from June, 1904, to May, 1906, the Stittsville rate from Prescott was 30 cents per net ton higher than to Ottawa; from May, 1906, to February, 1910, it was 17 cents higher; while from February 10, 1910, to date, it has been 8 cents higher. The Canadian Pacific has not had, so far as the board's records show, any through rates from the mines.

In the case of a Canadian Pacific movement, the coal might move from Prescott either via Kempton and Smith's Falls, in which case the Stittsville mileage is 21 miles greater than the Ottawa mileage; or it may move via Ottawa, in which case it is 15 miles greater than the Ottawa mileage. In practice, the movement is through Ottawa.

While exception is taken to the charge for the Canadian Northern, this in reality relates itself to the total charge the applicant is now paying. For the reference is to the situation as it was when the Canadian Pacific to Stittsville was used.

The following check shows the rate situation in a movement to Stittsville and a movement to Richmond, the computations being on a gross ton basis:

<i>To Stittsville.</i>	
Coxton to Ogdensburg. . . . .	\$2 35 per ton.
Ferry, Ogdensburg to Prescott. . . . .	0 20 "
C.P.R., Prescott to Stittsville. . . . .	0 84 "
	<hr/>
	\$3 39 "
<i>To Richmond.</i>	
Coxton to Ottawa, via O. & N. Y. Ry. . . . .	\$2 70 per ton.
C.N.R., Ottawa to Richmond. . . . .	0 67½ "
	<hr/>
	\$3 37½ "

When the through rate charge formerly made is compared with that now applicable, it appears that the situation is slightly better so far as rail charge is concerned. This omits consideration of any costs appertaining to the wagon haul from Stittsville

## SESSIONAL PAPER No. 20c

to Richmond. Since, then, the situation as to the total rail charge is slightly better, it does not appear that the portion of the charge accruing to the Canadian Northern has injuriously affected the applicant. For it is the total rate charge on the coal, not the way in which the railways participate in this charge, which is of importance to the applicant. It does not therefore appear that the applicant is injured.

Chief Commissioner Drayton concurred.

COMPLAINT OF THE INDEPENDENT VAN & STORAGE CO., LTD., *re* RATES ON HOUSEHOLD EFFECTS

Judgment, Commissioner McLEAN, December 28, 1914:

The figures submitted by the applicant are concerned with a limited number of cars; so, also, are the figures submitted by Mr. Beatty for the railway. It is impossible to say from these figures whether in the general run of cases the cars of household effects run above or below the minimum. The figures do show that in various cases a load considerably beyond the minimum can be carried. It does not follow that because on a particular car assembled in a particular way the minimum cannot be reached, the minimum is unreasonable for all cars of the same commodity, no matter how these cars are loaded.

Under the Transcontinental class tariff, shipments of household effects, "released" between Vancouver and points east of the Great Lakes, have a sixth class rating with a minimum of 20,000 lbs. the ordinary minimum attaching to this class being 24,000 lbs. In the case of shipments to points in the Prairie provinces, also in the case of shipments between points in these provinces, the sixth class rating with the normal minimum of 24,000 lbs. applies. But under the special tariffs applying on such a movement, the rate is approximately one-half that provided for by the class tariff.

The figures given by the applicant, as set out in Mr. McCaul's report, show for the four cars, 36 feet in length, a total load of 68,000 lbs., and a total minimum of 80,000 lbs. From the figures given, the load was 14 per cent short of the minimum. Mr. Beatty's letter of January 8 shows details for three 36-foot cars. The first two of these being concerned with movements between points west of the Lakes, took a minimum of 24,000 lbs.; the third took a minimum of 20,000 lbs., being concerned with a shipment to a point east of the lakes. The total minimum weight amounts to 68,000 lbs.; total loaded weight 80,620; that is to say, the loaded weight was 18 per cent over the minimum. If the first two of these cars had also been moving to a point east of the lakes, each of them would have had a minimum of 20,000 lbs. This would have given a corrected total minimum of 60,000 lbs.; and on the loading as given a loaded weight 34 per cent in excess of the minimum.

The practice of the applicants in combining less than carload shipments of different consignors into quantities taking a carload rate, said quantities being shipped by the applicant as consignor, is in contravention of the classification. Until it appears that there is valid ground for complaint on the part of consignors shipping household goods in accordance with the provisions of the classification, there does not appear to be justification for intervention by the board.

Assistant Chief Commissioner Scott concurred.

## COMPLAINT OF A. H. MYLAND, CALGARY, ALTA., CONCERNING A CHARGE OF \$3 PER CAR MADE BY THE CANADIAN PACIFIC RAILWAY COMPANY WHERE SHIPMENT OF CATTLE WAS TAKEN TO ACCOUNT AT CALGARY INSTEAD OF THE POINT OF DESTINATION ORIGINALLY SHIPPED TO.

Judgment, Mr. Commissioner McLEAN, January 5, 1915:

In the statement of the applicant, it is set out that quite a number of cars of live stock that are consigned to him are billed to points like Vancouver, Edmonton, Winnipeg, Toronto, Buffalo, etc., so that the buyer of the cattle may get the advantage of the through rate. The applicant complains that if such a car billed to a point beyond Calgary is sold in Calgary, \$3 per car is charged by the railway, because the bill was



taken to account at Calgary instead of the destination point provided for in the original billing.

In the application of Hyde & Webster, in *re* Changing Destination of Carload Traffic in Transit, File 8659, the board by its decision of April 16, 1909, decided that the charge of \$3 per car for changing destination of carload traffic in transit was proper, and in so deciding the board set out therein additional services which had to be performed by the railway in connection with the change in destination. These were:—

(1) A telegram to the agent at the point where the change is to be made must be sent. (2) The agent at that point must be on the lookout for the car. This may require his going to the van of each freight train that passes, in order to examine the conductor's records. (3) When the car is found, it must be relabelled. The way bill must be changed. The amount of charges usually must be varied, and the auditor's department notified. (4) Then the car must be got out of the train and put to one side. This will require shunting, switching, etc., which takes up the time of the train crew and causes delay to the rest of the train. The car must usually be picked up and put in another train going to the new point of destination. (5) The railway company must assume the legal responsibility of deciding whether the party asking to have the destination of the car changed owns the merchandise and has the right to deal with it.

Following this decision, provision as to charge per car set out in the judgment was embodied by the railway in its tariffs. The change which it is sought to collect here is set out in item 5, page 7 of C.R.C., W.-1983.

In the Hyde & Webster case, the change of destination in transit involved a movement beyond the original point of destination. In the present application, the shipment is stopped at Calgary short of the original point of destination. In both cases, the railway stands prepared to perform its contract of carriage. A change is made by the shipper. The question is, does the situation as developed at Calgary properly fall within the tariff provisions as to change of destination in transit?

The livestock contract and the waybill in connection therewith must, in the first instance, be made out for the point of destination named by the consigner. A copy of the waybill as made out will pass to the central auditing office of the railway at Montreal, and the point of destination will be debited with the charges from the point of shipment. If the car which is billed to a point beyond Calgary is held at Calgary, the original livestock contract must be taken up and the waybill taken to account at Calgary. The waybill must also be corrected. The records of the agent at the point of shipment must be corrected; and there must be a revision of the record already sent forward to the head office, said revision being necessary in order that the agent at the original destination point may be relieved and a proper debit as against the new point of destination may be made on the books.

In addition to the items of clerical and accounting expenses which are entailed by this change in transit, there is also to be taken into consideration the advantage a shipper receives from being able to treat such a point as Calgary as "an order" point; for, in substance, that is what the practice amounts to; the shipper is able to profit by the changes in market conditions which inure to his advantage.

Under the particular facts of the Hyde & Webster case, the new point of destination was located beyond the point of interception and beyond the original destination. But a situation where both the point of interception and the new destination are short of the original destination is also within the principle of the above judgment. In the present case, delivery is taken at a point of interception short of the original destination. The point of interception becomes the new destination. But whatever be the minor points of difference as between the particular facts of the Hyde & Webster case and those of the present case, they are insufficient to take the present application out from under the principle of the Hyde & Webster case. The charge, which is covered by tariff, was properly made.

Chief Commissioner Drayton, concurred.

## SESSIONAL PAPER No. 20c

APPLICATION SHEPHARD LOCAL IMPROVEMENT DISTRICT COUNCIL NO. 12z4, FOR A HIGHWAY CROSSING OVER THE CANADIAN PACIFIC RAILWAY.

Judgment, Chief Commissioner DRAYTON, January 7, 1915:

On the application of the Shephard Local Improvement District Council, No. 12 Z4, Order 17511 was made allowing the applicants to construct a highway over the tracks of the Canadian Pacific on the township line described in the order. The highway was treated as a new highway, with the result that the cost incident thereto had to be borne by the District Council.

The matter was opened by a further application made by the District Council on October 24, 1912, in which application the council claimed that the crossing wanted was on a road allowance which was once opened and then for some reason closed by the Canadian Pacific. The company's reply to the application showed that the ditch (presumably the highway ditch), was filled in twice by the municipality and twice opened by the company in order to maintain the railway ditch; and that, in any event, the railway was unquestionably senior to the highway, so that the Company should not be at any cost in connection with the opening or re-opening of the crossing as the case might be.

No further action was taken by the applicants until the 29th of October, 1914, when the following letter from the Surveyors Department at Edmonton was forwarded:

"In reply to your letter of the 14th instant, in connection with railway crossing on road allowance west of section 18-23-27-4. I beg to advise that I cannot find anything further on record, except that we have a letter from the Department of the Interior which says that the location plan of the main line of the Canadian Pacific Railway Company, which crosses this township, was signed by Mr. W. D. Barclay, Chief Engineer, on the 31st of January, 1885, and that township 23-27-4 was surveyed in August, 1883."

the applicants as a result, of course, contending that the cost of the crossing and its maintenance should be thrown upon the railway company.

The company in its answer stated that the railway was constructed and in operation in the year 1883 and that the township survey was not approved until July 4, 1884. The reply also calls attention to the fact that the director of surveys does not in his letter claim seniority for the road allowance, and that the only information he gives is the date on which the location plan was filed and the date on which the township was surveyed.

So that there might be no room for error, the board wrote the director of surveys at Edmonton with reference to his letter, stating that the railway company claimed that while its railway was constructed and in operation in the year 1883, the township survey was not approved until July 4, 1884, and that the board desired to be advised of the exact date when the plan of the township was approved and filed.

On December 22, the director of surveys advised the board that his office had not this information, but that it might be procured from the surveyor general of the Department of the Interior.

That department has since advised that the plan of the original survey of the township was approved and confirmed by the surveyor general on July 4, 1884, and mailed to the registrar of the Land Titles Office at Calgary on August 5, 1884. This would seem to settle beyond all doubt the time at which the survey became effective.

The files of the board do not go back far enough to ascertain when the Canadian Pacific line was constructed at the point in question. The crossing, however, is about 18 miles east of Calgary, and the report of Mr. Schreiber, chief Government engineer in charge of railways, on Canadian Pacific construction, showed that the railway had reached a point 40 miles west of Calgary in September, 1883.

On the evidence, the construction of the railway is senior at this point.

Commissioner McLean concurred.

6 GEORGE V, A. 1916

INTERCHANGE TRACKS BETWEEN GRAND TRUNK PACIFIC RAILWAY COMPANY AND THE  
CANADIAN PACIFIC RAILWAY COMPANY, CALGARY, ALTA.

Judgment, Assistant Chief Commissioner SCOTT, January 7, 1915.

At the hearing of this matter at the recent sittings of the board in Calgary, representatives of the city and commercial interests in Calgary strongly urged the necessity for interchange between the tracks of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Calgary. From a statement put in it appears that there are 206 wholesale houses and industries at Calgary served with spur tracks by the Canadian Pacific Railway. It is, undoubtedly, in the interests of a large number of these concerns, as well as the Grand Trunk Pacific Railway Company, that the connection asked for be brought about. It is urged (and I think correctly so) by the Canadian Pacific Railway Company that the connection would not only be of no benefit to the company, but that it would probably result in it losing some of the business it now enjoys. However, it being so apparently in the public interest that connection should be brought about, the Canadian Pacific Railway Company do not oppose the matter very strongly on its merits, but urge that if an interchange track is ordered that no portion of the expense should be placed upon that company.

The Grand Trunk Pacific Railway Company, while it is anxious for the connection, frankly stated that, at present, it had no funds available out of which a capital account expenditure could be paid for. That company suggested that, if the connection was put in by the Canadian Pacific Railway Company, that the Grand Trunk Pacific would be willing to pay an annual amount as rental. Bearing in mind the position of the Canadian Pacific Railway Company in this matter, it seems to me that it would be unfair to ask that company to incur any outlay for the interchange.

The board considered a number of sites where an interchange track might possibly be constructed, and we finally decided that the best location for the interchange was just east of the Globe elevator. If the interchange is to be built, a strip of land could be acquired on the eastern side of the Globe Elevator property; or, on the west side of the Canadian Pacific Railway property which adjoins the elevator property. I think it well to say that the board will be satisfied with an interchange track on either of the two properties I have mentioned, so that the parties who may undertake to secure the land for the track would have an alternative location available in the case of their being unable to come to terms as to the other location.

As I have already stated, the Grand Trunk Pacific Railway Company contend that it has no funds available to pay for the work in question. I have no reason to doubt the accuracy of this statement. If the interchange track is ever to be put in, it should either be constructed by the Grand Trunk Pacific Railway Company or the commercial interests desiring it through the guardian of their interests, the municipal corporation. If the Grand Trunk Pacific won't undertake the work on either of the sites suggested—notwithstanding the fact that the board is willing to give it the right to expropriate either sites and have the value determined by arbitration—then the board is willing to issue an order to compel the Grand Trunk Pacific to construct the interchange on condition that the amount required to cover the cost of same be put up by the city, with the provision that the amount, with interest at 6 per cent be returned to the city by the railway company in payments of so much per car for every car that goes over the tracks in question. This rebate to the city would be at the rate of \$5 per car for all cars loaded with merchandise of sixth class or higher; and, \$3 per car on all cars loaded with merchandise at a rating of less than sixth class; with the provision, that the Grand Trunk Pacific is to secure a net revenue of at least \$3 per car before the \$5 or \$3 above mentioned is to be apportioned to the city. If the revenue of the car is not



## SESSIONAL PAPER No. 20c

sufficient to provide \$8 for the railway company and a rebate for the city, the latter must be reduced so as to insure the \$8 revenue to the company.

I have said that the board will give the railway company the right to expropriate either the Globe Elevator Company or the Canadian Pacific Railway Company's property. The latter company urged that while its land is at present vacant, it will be required for future expansion. The Canadian Pacific Railway Company have a very large area of land available. I think it will be some considerable time before it will be required. But, assuming that it will be required at some future date, nevertheless, the public interest which requires this interchange is of paramount importance. If the Canadian Pacific Railway Company's property is taken that company must be treated as if it were a private land owner and it should receive proper compensation.

The question naturally arises as to how much of a deposit the city should be called upon to put up in the event of it deciding that it would avail itself of the suggestion made. The chief engineer of the board suggests that a deposit of \$25,000 should be a sufficient sum to cover the purchase of the land and the construction of the tracks; but, I presume that that matter could probably be arranged amicably between the Grand Trunk Pacific Railway Company and the city, in the event of the city going on with the undertaking.

In deciding upon the location for the interchange, we have not overlooked the submission of the board of trade that a number of industries possessing Canadian Pacific Railway private sidings will be slightly outside the four-mile limit which governs interswitching. The board has the assurance of Mr. Lanigan, the traffic manager of the Canadian Pacific Railway Company, that his company will not take an unreasonable stand and demand a too strict interpretation of the interswitching order. In any event, the matter is entirely in the hands of the board and we can see that the Calgary interests which are more than four miles from the point of interchange will receive fair treatment.

No order will issue until the board has heard from the Grand Trunk Pacific Railway Company and the city in this matter. We think that an interchange at Calgary should be put in in the public interest; but, realizing the rather expensive cost and the position of the Grand Trunk Pacific, we do not feel inclined to order the railway company to incur this expense unless it is to receive such financial assistance as I have suggested.

Commissioner Goodeve concurred.

IN THE MATTER OF AN APPLICATION FOR AN ORDER TO REMEDY ARBITRARY AND DISCRIMINATING RATES ON BOTH FREIGHT AND PASSENGER TRAFFIC TO AND FROM FREDERICTON, N.B. (C. P. R. AND I. C. R.); AND APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY FOR A RE-HEARING IN CONNECTION WITH THE JUDGMENT ISSUED JULY 18, 1914.

Judgment, Mr. Commissioner McLEAN, January 7, 1915.

Under date of July 18, 1914, judgment was given dealing with the complaint of the Board of Trade of Fredericton, N.B., in regard to the arbitrary and discriminatory rates alleged to exist on passenger traffic to and from Fredericton. What is now material was set out in the judgment in the following language:

"It was stated in evidence by Mr. Wells, for the railway, that, generally speaking, the fares from Fredericton were less than from St. John, except where the element of competition entered; and that wherever the rates were made on mileage Fredericton had a lower rate. It is apparent that where there is competition at St. John, which is not operative at Fredericton, it may bring about a lower rate basis at the former point. So long as the discrimination so created is not unjust, it is permitted by the Railway Act. However, while there

6 GEORGE V, A. 1916

may be, on account of competition, a justification for a lower rate to a longer distance point, as, for example, Moncton, it does not follow that this justifies the granting of an identical rate to a shorter distance point where such competition does not exist. Yet the railway makes the Moncton rate the maximum to intermediate main line points, although it is not alleged that there is competition at these points.

"The Railway, in its answer has drawn attention to the established practice of fixing the rates to non-competitive points by adding the local fare to the junction point to the competitive fare. But this practice has not been applied in connection with the Moncton and St. John rates. The Moncton rate has been met because, as Mr. Wells stated, the railway wants to share in the business. The extension of this rate to St. John is ascribable to choice, not to competition. Further, in connection with the competitive rates from St. John, the rates are not limited to the point where the competition exists. They are also made applicable to main line stations. That is to say, the competitive rate is made a maximum for these stations, although it is not alleged that competition exists at them. On the other hand the practice as to branch line business is stated in the railway's answer to be as follows:

"In making the fares from points north and south of the main line, such as Fredericton, St. Stephen, St. Andrews and Woodstock, the fares were made by adding the one-way fare to the junction point to the competitive rate.

"While the existence of sufficiently potent competition at a particular point may be a justification sufficient to take the railway out from the inhibitions of the Railway Act in regard to discrimination if the same rate is not extended to another point where competition does not exist, that is not the situation which here exists. The railway from considerations of traffic policy has extended the advantage of the competitive rate to points where competition does not exist. On such a state of facts, the contention of Fredericton is well-founded; and so long as the condition exists as it is now spread before us, the St. John rates should be the maximum for Fredericton."

After the issuance of the judgment, a communication was received from the Canadian Pacific Railway Company alleging that through imperfection of presentation the matter had not been so developed before the board as to seize it of all the essential facts concerned. It was alleged that while the principle as set out in the above extract from the judgment might be accepted as operative in freight traffic, there were special conditions which, in this respect, differentiated the freight traffic from passenger traffic. It was stated that the practice of making the passenger fares to and from intermediate points such as not to exceed the fares to more distant points on the direct line was in general use over the North American continent and that in the application of this practice in the United States, no exception thereto had been taken by the Interstate Commerce Commission. The railway then applied for a reconsideration of the matter so that the facts pertinent to the matter might be fully developed in re-hearing.

On checking certain of the tariffs, it appeared that the practice was of more general use than had been apparent from what was presented before the board in the hearing at St. John. The checking of the tariffs showed, for example:

Second class \$10 rate from St. John applies to all strictly intermediate stations to Montreal where 1st class is over \$10; in other words, it backs eastwardly to Bury, Que., 54 miles inside the boundary.

To stations on the Drummondville branch (from Foster) the \$10 rate also applies in competition with the I.C.R., Drummondville being on the I.C.R. main line to Montreal.

The situation is similar on the St. Hyacinthe branch from Farnham.

## SESSIONAL PAPER No. 20c

To stations on these branches intermediate to Drummondville, the \$10 rate also applies.

To all other branch points not held down by I.C.R. competition, arbitraries are added to the \$10 rate.

On consideration of what was submitted by the railway, as well as of what the tariffs showed, it seemed proper that the matter should be spoken to by the railways generally. Consequently the matter was set down for hearing on November 17, to be spoken to by the Canadian Pacific, Grand Trunk, Canadian Northern, Michigan Central, and the Toronto, Hamilton and Buffalo Railway Companies. Certain additional material in regard to the practice in the United States and the rulings of the Interstate Commerce Commission thereon was found to be necessary. The material in question is now before the board.

The matter as presented by the Canadian Pacific Railway Company in the hearing was of the nature of an elaboration of what had been set out in its letter above referred to. It had therein stated:—

"It is quite practicable to charge a competitive rate for a freight shipment which is lower than the rate for such a shipment made to or from some intermediate point. The carrier has complete control of the freight which cannot be unloaded without its consent and cannot be billed from an intermediate point on payment of the lower rate from the point beyond.

"On the other hand, however, a passenger can buy a through ticket at the lower rate to the farther competitive point and leave the train at any intermediate point where it stops, or he can send to the more distant competitive point for a ticket and board the train at an intermediate point where a higher fare applies.

"Thus it will be seen that in so far as passenger fares are concerned, it is impracticable to put fares to intermediate points on the main line on a lower (higher)? basis than the fares applying to points beyond on the same line."

The Michigan Central showed that its practice was the same as the Canadian Pacific. The Grand Trunk, without adducing evidence, supported the same general position.

The fact that the practice may be of general use is, of course, not an answer to the allegation of discrimination. The question is whether the discrimination alleged is such as constitutes unjust discrimination or undue preference under the Railway Act.

In regard to the practice in the United States, the Act to Regulate Commerce, as amended June 8, 1910, provides in section 4 thereof—long and short haul clause—that

" . . . it shall be unlawful for any common carrier, subject to the provisions of this Act, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route, in the same direction, the shorter being included in the longer distance . . . "

This prohibition is, however, qualified by a subsequent provision in the section whereby, upon application to the Interstate Commerce Commission, authorization may be obtained for charging less for longer than for shorter distances for the transportation of passengers or property.

Formerly, the long and short haul clause of the Act to Regulate Commerce was qualified by the words "substantially similar circumstances and conditions."

This difference in language, however, does not affect the description of the route over which the traffic concerned moves; so the decision given in *Baer Bros. Mercantile Co. vs. Missouri Pacific Ry. Co.*, and *Denver and Rio Grande Rd. Co.*, in April, 1908, 13 I.C.R., 336, is pertinent as showing the practice of the Interstate Commerce



Commission. It is true that this case was a freight case, but the provisions of the long and short haul clause apply to passenger traffic as well. In this case the traffic in question formerly passed through the city of Leadville, Colorado, and both freight and passenger trains of the railway were operated through that city. Subsequently, the route was changed so that the traffic was handled through a junction point known as Malta Junction, and the traffic into Leadville was thereafter handled over a branch line  $4\frac{1}{2}$  miles in length. The following words, which are to be found on page 336, are pertinent to the interpretation of what is meant by the description of the route under the long and short haul clause:—

“Under these circumstances, we are inclined to hold that Leadville should not be treated as intermediate within the meaning of the fourth section. A town might be intermediate, although located some short distance from the line of the railway, so that the railway did not literally pass through it. But when, as in this case, the town is connected with the main road by a branch road, requiring a separate and independent service at considerable cost to reach it, it should not be regarded as intermediate.

More recently, in 1914, the Interstate Commerce Commission has dealt with this in *Dood vs. T. and P. Ry. Co.*, *Unreported Opinion A-223*. In this, what was involved was a higher rate in effect on cotton wood from Annona, Texas, to Springfield, Missouri, a less distance than from Shreveport, Louisiana, to Kansas City, Missouri, a greater distance. The commission held that the points in question were not intermediate via the direct line or usual routes of movement, and the complaint of the violation of the fourth section of the Act to Regulate Commerce was dismissed.

The distinction as between the branch line movement and the main line movement has turned upon the scope of the discrimination concerned as delimited in section four. In addition, the commission has recognized that where there is dissimilarity of circumstances, it is not unlawful to charge somewhat higher rates from branch line stations to a particular point than from stations equally distant, on the main line, to the same point.

*Logan et al. vs. Chicago and N.W. Ry. Co.*, 2 I.C.R., 431.

*Board of Winston-Salem vs. N. and W. Ry. Co.*, 26 I.C.C., 151.

*Page Milling Company vs. N. and W. Ry. Co.*, 30 I.C.C., 610.

So far as explicit statement is concerned, there does not appear to be any ruling on the particular phase of passenger rate regulation involved in the present application. The commission has indeed said in its Conference Rulings, 304, subsection F, of March 13, 1911, which will be found republished in its Conference Bulletin No. 6:—

“That if a carrier is authorized to maintain rates to or from a given point which are not in conformity with the fourth section, it may establish rates upon branch lines connected with the main line at these points which are higher than such commodity rates by arbitraries, or by the branch line locals, without special authority from the commission.”

This, however, applies to a case not where the longer distance rate is made a maximum, but where an exemption from the rigid application of the section is granted. But, inferentially, no greater concession to branch line points would be called for by the commission when the competitive rate is made a maximum by the carrier on the main line movement, than when the commission itself exempts the carrier from the necessity of so applying it. This inference is substantiated by the practice in regard to freight rates already adverted to. A particular example may be referred to as indicating the method of rate structure used in practice.

It appears that the present first-class fare between Chicago and Spokane is \$46.10. This is a distance via St. Paul and short line movements of 1,885 miles. From Chicago to Spokane, via Union Pacific Route, moving through Omaha, Ogden, Pocatello, and

## SESSIONAL PAPER No. 20c

Umatilla Junction, is a distance of 2,415 miles. Where the movement is via Granger, the distance is slightly less, viz., 2,349 miles. In this case, in accordance with common practice, the short line makes the rate between initial and terminal points. In addition to this, the rate of the short line mileage is made the maximum to intermediate points in the case of a direct line movement where the ordinary mileage fare would be higher. But on a movement westward from Umatilla to Portland, a distance of 187 miles, the fares are made up by adding to the rate to Umatilla Junction the local rate beyond; that is to say, the competitive factor is limited to the portion of the route by the short line mileage.

While it does not appear that an explicit sanction has been given to this practice by the Interstate Commerce Commission, there does not appear to be anything in its decisions which finds it unjustifiable.

By Section 315 of the Railway Act of Canada, provision is made that—

“All such tolls shall always, under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in or upon the like kind of cars, passing over the same portion of the line of railway, be charged equally to all persons and at the same rate, whether by weight, mileage, or otherwise.”

Sub-section 5 of the same section provides that—

“The board shall not approve or allow any toll which for the like description of goods or for passengers carried under substantially similar circumstances and conditions, in the same direction, over the same line, is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the board is satisfied that owing to competition it is expedient to allow such toll.”

The board in the application of J. S. Mitchell & Co., dated February 1, 1911, file 16686, had before it a situation whereon a shipment to Boynton, Que., a higher rate was charged by the Boston & Maine than to Beebe Junction and Rock Island stations, which were further along the line. The situation was that to the further distant points commodity rates existed, while only the mileage rate was at the time available to Boynton, which is a flag station. The board, in dealing with this matter, held that since the circumstances were not shown to be dissimilar, and there being no plea that the lower rate for longer distance was attributable to competition, it had power to disallow the toll under sub-section 5 of Section 315.

As has been indicated, the C.P.R. makes the same rate to St. John as it makes to Moncton, the Moncton rate being made to meet the Intercolonial rate. It appears from tariffs on file with the board that the Intercolonial extends its Moncton rate to St. John.

The board has found that at St. John and at Montreal competitive conditions exist. On what was before it at the former hearing, it appeared that the extension of this competitive rate to intermediate points on the main line was a matter of mere gratuity on the part of the railway. On further consideration, in view of what has been submitted, this conclusion appears to have been in error. It appears that, in practice, an individual travelling to a point between St. John and Montreal, either Montreal or St. John being the initial point of the journey, can purchase a through ticket at either of these points, and then use it on his journey to the intermediate point. The effect of this is to cut out on the journey to the intermediate point the application of the mileage rate. It is also open to a traveller beginning his journey at a point intermediate to Montreal, for example, and travelling to Montreal, to send to St. John to purchase a ticket. He can then travel on this ticket to his destination; and the effect of this is that as to this journey the mileage rate is also cut out. This situation may

arise wherever the competitive rate is less than the mileage rate of the intermediate point in question. It was submitted before the board that where formerly on the lines of the Canadian Pacific in Western Canada, the coast rate was not made a maximum to intermediate points, the people travelling from such intermediate points did send to the coast to purchase tickets, and that in view of this practice the present method of making the coast rate a maximum developed. It certainly would appear that any passenger travelling with any degree of regularity would soon know how to take advantage of such an arrangement.

If, in the case of freight, a higher rate exists from an intermediate point to destination, the freight, in order to take advantage of the lower rate on a movement to Montreal, assuming, for example, that a lower rate existed from St. John to Montreal than from the intermediate point to the same destination, would have to move to St. John on the local rate and then move back westward through the intermediate point to Montreal. This is what actually did take place in the United States in the '70's of last century, where points such as Pittsburg moved goods east to the Atlantic coast in order to obtain the advantage of the Atlantic coast rates westbound. The situation at present in connection with the Panama canal presents a somewhat similar condition, although here there is a rail and water route as distinguished from the all-rail route. Goods are being moved from west of Chicago by rail to the Atlantic seaboard to take advantage of the water rate between the Atlantic seaboard and the Pacific coast.

In the case of passenger traffic, a roundabout movement such as freight may take in order to get the advantage of a lower rate is less common. The directness of the route, the time taken, and the incidental expenses of travelling attaching to the longer route are factors which exercise an influence on the passenger movement. But, as indicated, it is not necessary for the passenger to go in person to the ticket office at the longer distance point which has a competitive rate. The effect of competition at the longer distance point may thus be spread by the action of the passenger over the whole route between the two terminals affected by the competition, since it is open to the passenger to take advantage of the compelled rate instead of paying on mileage. The only limitation apparent is the checking of baggage. It does not appear, however, that this is a prohibitive factor.

The contention of the railway that as to the journey between St. John and Montreal there is a competitive situation throughout is well taken. There is an actual competition at the initial and at the terminal point, and the potential choice of the prospective passenger spreads the effect of competition over the whole journey.

Section 315 of the Railway Act prescribes that in respect of traffic of the same description, ". . . . under substantially similar circumstances and conditions. . . . carried in or upon the like kind of cars passing over the same portion of the line of railway. . . ." there shall be equality of charge.

Subsection 6 of section 315 does not arise in the present application, as it is concerned simply with the power of the board to declare that "any places are competitive points" within the meaning of the Railway Act. It has been laid down by the board in its decision in the Western Rates Case at p. 11:—

"Subsections 5 and 6 are the long and short haul sections, the effect of which is to permit a reduced charge on movements to a competitive point, even although that reduced charge is smaller than the charge made for carriage for lesser distances along the same line to intermediate points. The subsections are sections which directly recognize the necessity, in proper cases, of operation at a reduced toll justified by competitive conditions. The result is, therefore that lesser tolls may be legal under such circumstances, and that a discrimination may exist between different localities without such discrimination amounting to an illegal practice."

It does not appear necessary to develop here the significance of the words as set out in the main section, viz., "passing over the same portion of the line of railway," or



## SESSIONAL PAPER No. 20c

the further words as set out in subsection 5 of the section, viz., "..... in the same direction over the same line is greater for a shorter than for a longer distance, within which such shorter distance is included ....." The significance of these limitations has been dealt with in *Malkin & Sons v. Grand Trunk Ry. Co.*, 8 Can. Ry. Cas., pages 186 and 187; see also *Almonte Knitting Co. v. Canadian Pacific and Michigan Central Ry. Cos.*, 3 Can. Ry. Cas., 441.

The general scope of section 315 makes clear that the board is empowered to recognize the existence of competition and of its effects. The existence of competition is one factor creating dissimilar circumstances and conditions, and when the board is satisfied that such competition exists it may allow the lower toll in respect of the section in which the dissimilar circumstances and conditions so created exists.

In the former hearing, the decision on the point herein involved turned on the absence of competition at the intermediate point on the main line movement. Now, on further evidence and consideration thereof, the existence of pervasive competition on the main line movement is established. Consequently, the finding of the former judgment dealing with the point herein involved should be revised.

Chief Commissioner DRAYTON: In light of the fuller information now before the board, I am obliged to agree in dismissing the application of the Board of Trade of Fredericton. It is to be regretted that the record was not made complete in the first instance.

Reported in 17, Can. Ry. Cas. 433, 439.

APPLICATION OF THE CENTRAL CONVENTION OF FARMERS' INSTITUTES OF BRITISH COLUMBIA FOR THE PRIVILEGE OF SHIPPING MIXED CARLOADS OF FLOUR AND FEED (IN SACKS) AND BALED HAY AND STRAW AT CARLOAD RATES.

Judgment, Chief Commissioner DRAYTON, January 7, 1915:

This application was heard at Vancouver at a sitting held in October, 1913. The railway company was represented, but as no one appeared for the applicants, no action was taken, and the matter has subsequently been brought up by correspondence.

The applicants alleged that the refusal of the company so to bill mixed carloads of flour, feed and hay constitutes a hardship to the settlers, many of whom desire to purchase these commodities in wholesale quantities at a time when they could be procured at reasonable prices, and that as they cannot so purchase they are compelled to obtain supplies from retailers at much higher rates.

I am of the opinion that the application must be dismissed.

Less than a carload consignment of hay cannot be looked upon as a movement of commodities in wholesale quantities. Under the present classification hay moves with a minimum loading of but 20,000 pounds.

The Traffic Department has very carefully looked through the different tariffs and classifications applying in other places, and reports that no tariff or classification permits a carload mixture as asked; and that, on the other hand, under the present classification, hay and straw in carloads move under the 10th class at a minimum rate of 20,000 pounds per car, while flour and other mill stuffs in carloads take the 8th class at a minimum of 30,000 pounds.

In view of the low minimum applying on hay and the higher minimum as well as the higher rate which applies on flour and other mill stuffs, I am unable to see what advantage would accrue to the applicants at all compatible with the general disarrangement of the classification.

The classification west of lake Superior provides a number of distinctive headings covering groups of commodities which may be consolidated into carloads at carload rates; but under rule 2 (c), when the various articles in such mixtures, take different classification ratings if shipped separately in straight carloads, the entire mixed car-

6 GEORGE V, A. 1916

load is charged the highest carload rate, and the highest minimum carload weight. This is practically the universal rule in freight classification.

If the application were granted it would have to be subject to this rule, unless the whole scheme of mixed classification is to be upset, so that the heavier articles, flour, etc., would have to make room for the lighter, hay and straw, without a corresponding reduction in the carload minimum weight, the result being that the rate on a car so mixed would be at the 8th class instead of at the lower 10th class rate, and would be accompanied by a minimum weight charge of 30,000 pounds.

So far I only treat the question as a matter of classification.

The company has, however, a special commodity tariff (C.R.C. No. W. 1686), which gives reduced rates on straight or mixed carloads of bagged flour, grain, flax-seed, oatmeal, and mill stuffs, with a minimum loading of 40,000 pounds, and also reduced rates on straight carloads of hay with a minimum weight of 24,000 pounds.

It is hard to say on what ground an extension of the mixing privilege could be ordered which would apply to the special rates under this tariff. As to the minimum per car, the differences in the present instance being 16,000 pounds as against 10,000 pounds the result is that if hay were consolidated in one car with grain, the loading would have to amount to 40,000 pounds, or else the shipper is paying for freight that does not move. This of itself alone would prohibit such a movement. While hay and straw are agricultural products just as much as grain and its products; they can hardly be considered as analogous commodities. The grain rate, for example, is accompanied by the special feature of milling and malting privileges in transit.

I am of the opinion that the application must be refused and that if granted it would be largely merely a matter of trouble to the railway companies with but little if any advantage to the shippers.

Concurred in by Commissioner McLean.

#### RE APPROACHES TO FARM CROSSINGS.

Judgment, Chief Commissioner DRAYTON, January 11, 1913:

The issue between the railway company and the owner of the farm, Mr. Colwill, is now narrowed down merely to the question of approach fences.

Under the provisions of Order No. 19146, the company was directed to construct a suitable farm crossing by way of bridge. The bridge has been constructed with the result that the approach at its maximum height is ten feet above the surface of the adjacent ground. An approach of such a character should be fenced. It is customary to fence them, and the company itself in dealing with similar farm crossings in the neighbourhood has fenced them. The farm owner has already carried his fence lines along the line of the approach to a point where the approach is 5 feet above the adjoining ground so that the whole question in dispute is merely as to whether or not the railway company, as part of the work, should connect that part of the approach already built by the owner to the bridge railing.

The work should be done by the company, and is necessary to be done in properly carrying out the terms of the Order.

Assistant Chief Commissioner Scott concurred.

#### COMPLAINT OF THE TAYLOR MILLING AND ELEVATOR COMPANY OF LETHBRIDGE, ALTA.

Judgment, Chief Commissioner DRAYTON, January 12, 1915:

The complaint relates to a rate on carloads of millstuffs from Lethbridge, Alberta, to Crawford Bay, British Columbia, the applicant company in its complaint stating:—

“We figured that this station should be in the Nelson group, which takes a rate of 27 cents out of Lethbridge, being a through rate which applies from all points from Kootenay landing up as high as Kaslo.”

## SESSIONAL PAPER No. 20c

The position taken by the company was that Crawford bay was not on the direct line of transit, being on an arm of the lake, and that the car had to be taken by barge to Proctor and transhipped at Proctor by steamer to Crawford bay.

Under these circumstances, the company claims that the only legal rate from Lethbridge was, therefore, the rate to Proctor and Nelson, namely 27 cents plus the local mileage, eighth class rate of 8 cents per 100 lbs. from Proctor, making a total of 35 cents.

The company's position was tenable in view of the fact that published tariffs did not contain any through rate to Crawford bay, under which circumstances the combination of the Proctor rate plus the local was the through rate called for by the tariffs filed.

On further consideration of the whole matter, it became apparent that, in the development of the principles laid down by the board in the so-called Western Rates case, a new tariff would have to be filed covering not only Crawford bay but the entire territory which should reasonably be considered in connection with the movement of millstuffs from Lethbridge.

A mileage tariff carrying out the principles of the Western Rates judgment has since been filed by the company, the tariff becoming effective on the first instant in lieu of the rates complained against from Lethbridge. This tariff is a mileage one, and as Crawford bay is shown on the company's official distance tables, it with other ports of call, takes the rates appropriate to its mileage, with the result that the rate complained of from Lethbridge to Crawford bay of 35 cents now becomes a rate of 23½ cents.

The new scale is not, of course, confined to Crawford bay. It is a scale which is just in its operation, based as it is on mileage, with the result that the rate to Nelson becomes 24 cents instead of the old 27-cent rate, while the rate to Proctor becomes 22½ cents and to Kaslo 24 cents.

Commissioner McLean concurred.

APPLICATION OF THE CITY OF CALGARY FOR AN ORDER COMPELLING THE CANADIAN NORTHERN RAILWAY COMPANY TO CARRY OUT THE TERMS OF AN AGREEMENT RESPECTING STREET-CROSSINGS IN THE CITY OF CALGARY.

Judgment, Assistant Chief Commissioner SCOTT, January 12, 1915:

The city of Calgary asks the board to decide whether certain land owners whose property is adjacent to certain crossings of the Canadian Northern Railway Company's tracks over highways in the city of Calgary should be entitled to damages.

By Order No. 14611, dated August 18, 1911, the board approved of the crossing of the tracks of the Canadian Northern Railway over Thistle, Pine, Spruce, Poplar, and Hungerford streets, in the city of Calgary. That order was made subject to the terms and conditions contained in a resolution passed by the council of the city of Calgary consenting to the crossing of the said streets. The resolution was passed on the 12th June, 1911. The portion of it with which we are now concerned is clause 6, which is as follows:—

"That the C.N.R. undertake and enter into an agreement with the city to pay any and all property damages and to indemnify the city therefrom"

The plan approved by the board shows the profile of the crossings of the tracks on each of the highways above mentioned. At Spruce, Poplar and Hungerford streets the grade on the highway to the railway on each side is shown to be 5 per cent. On a blue print of the plan which we have on file the following endorsement is found:—

"Approved subject to conditions as per report, June 10, 1911, Jno. W. Mitchell, Mayor of Calgary; W. D. Spence, Clerk."



6 GEORGE V, A. 1916

The Report of June 10 is the report of the Railway Committee of the Municipal Council and was adopted by the resolution of June 12, 1911, already mentioned.

I have examined the crossings in question and I find that the railway crosses the highways in question on an embankment and that the grade at the track is considerably higher; say about eight or nine feet than the original grade of the highways.

In expropriating its right of way over the property adjoining the highways in question the railway has paid consequential damages to some of the land owners for damage to their adjoining property; but, there are a number of owners of property on the streets in question who may have suffered damage because of the close proximity of the railway; or, because of the change in the grade of the street in front of their property, who have received no compensation whatever because the railway did not actually take a portion of their property. The question now before us is whether these parties should be compensated, and if so, by whom.

At the time the board issued its order of the 18th August, 1911, approving of the crossings in question there was nothing before the board to show that the interests of any individuals would suffer; and, as already pointed out, the city was actually consenting to the order going.

More than a year after the consent of the city to the crossings in question was given and the order of the board was issued, an agreement between the city and the railway company was entered into on the 24th October, 1912, dealing with the entrance of the railway into the city. Clause 10 of that agreement bears on the matter before us and is as follows:—

“The company hereby agrees to indemnify and save harmless the city from and against any and all manner of expense, costs, suits, claims and damages of any nature and kind whatsoever arising out of the location of the company's line along the said route or the construction of any of the works herein agreed to be constructed or the closing of any streets herein agreed to be closed, and that it will in all proceedings to determine any damages or other matter, at the request of the city as far as possible take upon itself the conduct of any suit or other proceedings and indemnify the city against all costs in connection therewith and pay the costs of the city's solicitor or counsel in suits or other proceedings, the conduct of which is not undertaken by the company. Provided, however, that the city shall notify the company of any claim made against the city, and that the company shall have the right to appear and be represented by counsel and take upon itself the conduct of any such proceedings on notice to the city.”

At the sittings in Calgary we were told by counsel for the railway company that no claim had been made or referred to by the city to the railway company, and he submitted that if any claim was made it was a matter for the courts of the province and not this board to interpret the agreement in question.

At the time the crossings in question were approved of, the board had power under section 235 of the Railway Act as amended by section 6 of chapter 22 of the statutes of 1911, to require such compensation to adjacent or abutting landowners as the board deems proper at the crossing of a railway over a highway; but, I am not aware of any case similar to the present in which the board has exercised that power. I of course cannot say what might have been done at the time the order of August 18, 1911, was issued had no agreement between the city and the railway company been entered into, and had the question of damage to abutting landowners been brought to our attention.

Now, after the lapse of three years since we approved of the crossings in question, and with the agreement between the railway company and the city before us, I see no justification for this board interfering. The parties must be left to their rights, whatever they are under the agreement.

## SESSIONAL PAPER No. 20c

Another point which was brought before us was the lack of the railway company to provide approaches of a grade not exceeding 5 per cent at the crossings affected. The standard regulations of the board respecting highway crossings require the grade on approaches not to exceed 5 per cent, and the board has no hesitation in saying that if the grade on the approaches are steeper than 5 per cent that they should be made to conform with our standard requirements.

An order may go as to the grade on approaches, but no order is made on the question of damages.

Concurred in, by Commissioner Goodeve.

APPLICATION OF THE BOARD OF TRADE OF CUMBERLAND, B.C., FOR INTERCHANGE TRACKS  
BETWEEN THE LINES OF THE CANADIAN COLLIERIES, LIMITED, AND THE ESQUIMALT AND  
NANAIMO RAILWAY COMPANY AT ROYSTON.

Judgment, Assistant Chief Commissioner SCOTT, January 14, 1915:

The Canadian Collieries, Limited, a company incorporated by the province of British Columbia, has a railway running from Cumberland to Union wharf. This railway crosses the line of the Esquimalt and Nanaimo Railway near a flag station on the latter railway called Royston. The crossing is about  $4\frac{1}{2}$  miles from Cumberland. There are no facilities at the diamond for the transshipment of passengers, express or freight. At present passengers get off at Royston and walk about 2,500 feet along a highway until they come to the Collieries railway where they can get a train for Cumberland. In October last one of the inspectors of the board reports that on one day there were as many as twenty-three passengers transferred from one line to the other; and from the evidence put in at the sittings in Victoria it is apparent that there would be considerable passenger travel between points on the E. and N. and Cumberland if this connection were put in, and proper facilities for the transfer of passengers and their baggage established.

The only way to get freight into Cumberland at present, either C. L. or L. C. L. is to have it go in over the Canadian Collieries line from Union wharf. This makes it difficult for Cumberland merchants to deal with wholesale houses in Victoria. Cumberland has a population of three or four thousand inhabitants with some industries, and the indications are that it will grow.

I think it in the public interest that there should be suitable facilities established near the crossing of these railways for the transfer of passengers, baggage, express and freight, both C. L. and L. C. L. The Canadian Collieries, Limited, is not under the jurisdiction of this board and we have no power to order it to pay a portion of the cost of this undertaking. Nevertheless, I think it should contribute a portion of the cost of the work to be done, and I believe that if the connection were put in it would prove to be beneficial to the Collieries line. The connection would, I believe, be more beneficial to the E. and N. Railway Company and I therefore think that company should contribute the larger portion of the cost. After consultation with the board's chief engineer and operating officer, I have come to the conclusion that a fair division of the cost would be: two-thirds to be paid by the Esquimalt and Nanaimo Railway and one-third by the Canadian Collieries, Limited. Both these officers agree that this will be a fair distribution of the cost.

Plans should be prepared by the E. and N. Railway Company to be submitted for the approval of the board, showing track connection and station facilities. Royston station building is on the wrong side of the track and therefore should be moved. Probably expense could be saved if when moving the station to the other side of the track it were also moved nearer to the diamond so that the connecting line would be as short as possible. We will make an order requiring the Esquimalt and Nanaimo Railway Company to do the work on condition that the Canadian Collieries, Limited, con-

sent to assume one-third of the cost; or, is ordered to contribute that amount by some forum having jurisdiction over it. Neither railway company should receive anything for any portion of its land which it will be necessary for it to use in constructing the interchange. The plans of the proposed layout to be submitted by the Esquimalt and Nanaimo Railway Company should be sent to the board by the first of March next and copies of it supplied to the Canadian Collieries, Limited, and the British Columbia Government.

Concurred in by Commissioner Goodeve.

APPLICATION OF W. J. BOLAND, ON BEHALF OF MILLAR H. FINDLAY, TORONTO, FOR ORDER COMPELLING THE GRAND TRUNK RAILWAY COMPANY TO EXTEND RAILWAY SIDING CONSTRUCTED INTO PREMISES OF FAIRBANKS-MORSE CANADIAN COMPANY, LIMITED, INTO CERTAIN PROPERTY RECENTLY RENTED FOR FACTORY PURPOSES.

Judgment, Chief Commissioner DRAYTON, January 18, 1915:

This application was heard by the Assistant Chief Commissioner and Commissioner McLean at a sitting of the board held in Toronto, July 3, 1914.

My brother commissioners have asked me to consider the issues raised.

So far as the facts are concerned, the Assistant Chief Commissioner has made an inspection of the property. He has found that the Grand Trunk Railway line with which the siding connects is on the east side of the Fairbanks-Morse property; that the property of Mr. Boland, the applicant, is on the west side of the Fairbanks-Morse property; and that there is no other way of affording the Boland property railway facilities except by extending the existing Fairbanks-Morse siding.

As a result of his inspection he further found that, physically, it was quite feasible to build the siding; and that the Boland property is in an industrial section of Toronto, but is handicapped by the lack of railway facilities which would be necessary if the applicant's present intention of establishing a coal and wood yard on his property is to be carried out.

I entirely adopt these conclusions arrived at by the Assistant Chief Commissioner and consider only the question as to whether or not, under the circumstances of this case, the board should grant Mr. Boland that facility which, under ordinary circumstances, he would be entitled to.

The Fairbanks-Morse siding, which it is now sought to have extended, was authorized by Order of the Board No. 10,062. This order was made on the application of the Grand Trunk Railway Company and the consent of the Fairbanks-Morse Company, as evidenced by an agreement with the railway company dated December 31, 1909. The order authorized the construction of the siding subject to the terms and conditions contained in the agreement.

The siding constructed is about 1,600 feet in length, 155 feet of which is constructed on the right of way of the Grand Trunk and some 1,450 feet on what was at that time at any rate beyond all question the land of the Fairbanks-Morse Company. The siding branches out into three different tracks on the premises of the Fairbanks-Morse Company. It is proposed that the siding now applied for should be connected with the most westerly track at a point some 180 feet from its northerly extension. This westerly track lies 19 or 20 feet east of the easterly boundary line of the Boland property. It is physically perfectly possible to make the connection; but in order to do so on the necessary curve, the new construction, commencing at the point indicated, continues on the land of the Fairbanks-Morse Company for a distance of some 75 feet.

The Fairbanks-Morse Company states that the siding belongs to it, and that the board is without jurisdiction to order any extension of the siding or connection with it; and Mr. Cowan, who appeared for the Fairbanks-Morse Company, relies on the cases of *Blackwoods vs. Canadian Northern Railway Company*, 44 S.C.R. 92, and *Clover Bar Coal Company vs. Humberstone*, 45 S.C.R. 346.



## SESSIONAL PAPER No. 20c

These cases are distinguished by Mr. Macdonell, counsel for the applicant, on the ground that the decisions in both these cases dealt with sidings unauthorized by the board and which did not form part of the railways; while the siding in question being authorized by the appropriate order, under Section 222, became part of the railway.

Counsel further argues that that part of the judgment of Duff, J., in the Blackwoods case, where he deals with the question as to whether or not, the presumption arose that the requirements of section 222 had been observed, proceeding as the learned judge does on the assumption that the section had not been observed, that the judgment of the court would have been to the contrary if an order under the section had been made.

It is necessary that reference should be made to the agreement under which the siding was constructed.

In the agreement the railway is referred to as the Company and the Fairbanks-Morse Company as the Contractor. Paragraph 3 of the agreement is as follows:—

“The Company will provide the rails, switches, frogs, fastenings and signals and all other iron or steel work required for the construction of the said siding, all of which shall remain the property of the Company.”

Paragraph 5, after providing for a nominal rental of \$1.00 per year on the value of the rails, switches, frogs, etc., to be paid by the Contractor, proceeds to deal with this rental as follows:

“and as an acknowledgment of the Company's ownership and control of the said siding, which is hereby understood that company furnish for the accommodation of the business of the Contractor.”

The agreement also provides that the Company is to supply the necessary signals, light them, and maintain and repair the siding, while all switches connecting the siding are to be under the sole control of the employees of the Company.

The Company also reserves the right to alter the position of the siding if necessary, for its purposes, i.e., the purposes of the railway.

Paragraph 16, dealing with the right of way, is as follows:—

“The Contractor will secure to the Company the right of way over the lands on which any portion of the said siding may be constructed outside of the lands or property of the Company, and will save the Company harmless from all claims for compensation by the owners of the said lands, and will pay, and hold the Company harmless from all taxes of whatever kinds or nature (including those payable in respect of drainage, or for local improvements) which shall be assessed or levied by any authority, or for any purpose upon the lands used and occupied by and for the said right of way.”

The agreement also provides that the Contractor is to protect the railway from cattle or other animals escaping thereupon from such portion of the siding as may be outside the railway lands.

The term of the agreement is 5 years, and the agreement is subject to cancellation at any time on three months notice by the Company.

On the expiration of the agreement, paragraph 19 provides that the Company shall have the right, without previous notice, to take up all the iron and steel work in the siding belonging to the Company, and that the right shall continue until the expiration of three months' notice from the Contractor to the Company directing the Company to take up and remove the rails and other material.

The agreement is on a printed form which contained paragraphs allowing the company to use the siding as a common carrier without any charge being made by the Contractor; also allowing it to receive and deliver freight upon the siding for persons other than the Contractor, if that can be done without interfering with the proper

handling of the business of the Contractor and subject to a payment per car therefor and a further provision under which the siding may be connected with or crossed by other sidings or used as an approach to or a continuation of any other siding. All these provisions are struck out.

As a result of the agreement then the siding is not a permanent construction but is constructed and operated for the business of the "Contractor" only and the necessary right of way remains the property of the Contractor. As the order relied on by the applicant as making the siding part of the railway on its face states that it is made "subject to the terms and conditions set forth in said agreement." I am at a loss to see, apart from all other considerations, how such a construction can be given to it. Apart from the order, the construction of that part of the siding on the lands of the Contractor could have been made without approval by the board.

It is said that any construction made under section 222 must be part of the railway. I have no doubt that the branch line sections do contemplate such branch lines being constructed as railway property and becoming part of the general railway undertaking. Section 222 contemplates the work being done by the company on a right of way which the company acquires in the same manner as the company's main line right of way is acquired; and the other section dealing with the construction of a somewhat different branch line (section 226)—a construction that is forced on the railway company—specially provides that, after the railway company has rebated the whole cost of the industry which has supplied the money for the building of the line, including the right of way, the branch becomes the absolute property of the railway company.

I am of the opinion that construction made under an order issued under the provisions of section 222, is not *ipso facto* railway property. Whatever the effect of such order might be as against the railway company, it cannot in any way affect the title of others and transfer the right of way on which the siding may be built from them to the railway. While it may well be that the section contemplates the acquisition of the right of way by the railway company, it can only contemplate this being done by agreement with the landowner or after payment of compensation fixed under the appropriate sections of the Act. Nothing of the sort has happened here.

To treat the siding as railway property and grant the application would work an unwarranted interference with the contractual rights of the Fairbanks-Morse Company, and take its property (i.e. the right of way) without compensation; a result, I am confident no enabling order under section 222 was ever contemplated to work.

Apart from the effect of an order under this section, the agreement is not as much in case of the board's jurisdiction as was the agreement in the Clover Bar case, under which agreement the railway company had the right to use the siding for the purpose of affording not only shipping facilities for itself but for other persons as well, with the express right, if necessary, to extend the siding for such an object; while in this case the similar provisions appearing in the agreement are deliberately struck out.

Under the circumstances of the case and in view of the facts found by the Assistant Chief Commissioner on his inspection, I am nevertheless of the view that an enabling order should go authorizing the Grand Trunk Railway Company to expropriate the right of way through the Fairbanks-Morse Company's property and to construct the siding which is asked.

While on the one hand no injury should be worked against merchants already having siding accommodation, on the other hand public interest demands that, in cases where sidings can be extended without injury, the interests of others requiring railway accommodation should not be disregarded.

Here, the argument has lapsed. The Fairbanks-Morse Company has no title in the superstructure which may at any time be removed. The cost to the Grand Trunk of the expropriation of the right of way should be covered in a proper charge made by the company in view of the expense to which the railway company is put, and divided between those using the siding on a *pro rata* basis.

## SESSIONAL PAPER No. 20c

It is to be hoped that, in view of the circumstances, no order authorizing the expropriation need be issued, but that an adjustment will be made between the parties. There is no doubt that arrangements can be made under which the Boland property can be served without injury to the interests of the Fairbanks-Morse Company. It would occur to me that a reasonable solution of the whole question would be for the applicant to pay the Fairbanks-Morse Company for the land required for the extension of the siding, and pay that company a rate per car for the use of the siding already constructed. If an arrangement is consummated and no expropriation of the siding as a whole had, it should also be made on a basis which will recognize the Fairbanks-Morse Company as having the first, and, therefore, a prior—although not exclusive—right, with the result that the siding would be so operated as to give the business of that company precedence. Of course, if expropriation is ultimately adopted, the rights of all industries which may have to use the siding, or any extension of it in the future, would be common.

Judgment, Assistant Chief Commissioner SCOTT, November 10, 1914:

The Fairbanks-Morse Canadian Company has a Grand Trunk Railway spur into its property on the south side of Bloor street, Toronto. This spur was authorized by an order of the board No. 10062, dated April 5, 1910. The order was issued on the application of the Grand Trunk Railway Company, under section 222 of the Railway Act. It was made subject to the terms and conditions of an agreement made between the railway company and the Fairbanks-Morse Company, dated December 31, 1909. Paragraph 5 of the agreement is as follows:—

"The contractor (Fairbanks Company) shall pay to the (railway) company, beginning on the date when the charge therefor is first made on the books of the company after the completion of the said siding, one dollar per annum on the value of the rails, switches, frogs, fastenings, and signals and other iron and steel material of the company in the said siding, and as an acknowledgment of the company's ownership and control of the said siding which is hereby understood that the company furnishes for the accommodation of the business of the contractor."

The Grand Trunk Railway line with which the spur connects is on the east side of the Fairbanks property. The property of Boland the applicant is on the west side of the Fairbanks property. Boland, on behalf of Miller H. Findlay, applies to the board for a spur off the Fairbanks' spur into his property. There is no other way of supplying the Boland property with a railway spur than to have it run off of the Fairbanks-Morse spur.

Since the hearing, I have visited the Fairbanks-Morse property and examined the location of the spur on the ground. Physically it is quite feasible to build the spur applied for. The Boland property is in an industrial section of Toronto, but is, undoubtedly, handicapped by the lack of railway facilities. The applicant is desirous of establishing a coal and wood yard on his property.

The railway company do not offer any serious opposition to this application, but the Fairbanks-Morse company strongly object. I am satisfied of the necessity of the spur applied for in the interests of trade. I am also satisfied that the damage or inconvenience that the Fairbanks Company might suffer if this application is granted could be fairly compensated by the payment of an annual sum during the time that the Boland spur would be subject to be used. The Fairbanks-Morse Company in opposing the application contends that its spur is its own private property, and that the board has not jurisdiction to grant this application. I think the board has jurisdiction to order the construction of the spur applied for. The Fairbanks-Morse spur is not the private property of the Fairbanks Company, but is part of the Grand Trunk Railway. Being authorized by the board under section 222 of the Railway Act, it was constructed as part of the railway and is subject to the jurisdiction of this board, and is included



in the word "railway" in section 226 of the Act. It was acknowledged to be part of the Grand Trunk Railway in paragraph 5 of the agreement between the Fairbanks-Morse Company and the railway company, already quoted. In *Blackwoods v. C.N.R.*, 44 Sup. Ct. p. 92, it was decided that a private spur constructed under an agreement, but not authorized by the board, could not be added to to provide railway facilities for another industry without the spur being expropriated, or the owner thereof compensated, as the board had no jurisdiction to make such an order. The present case is not the same as the *Blackwoods* case. In that case it was the *Blackwoods* private spur that the spur was to be built off. In the present case, it is part of the Grand Trunk Railway built to serve the Fairbanks-Morse Company that the applicant desires to use.

Another case which should be considered, but which like the *Blackwoods* case, does not apply to the present case is the *Clover Bar Coal Company v. Humberstone and G.T.P. Ry.*, 45 Sup. Ct. p. 346. The spur in that case like the *Blackwoods* spur was private property and not part of the railway; the spur never having been authorized by the board. There was a clause in the agreement between the industry and the railway company which gave the railway company the right to use the spur for the purpose of affording shipping facilities for themselves and persons other than the owner of the land upon which the spur was built. The court decided that the board had no jurisdiction to make an order extending the spur to serve another industry. *Anglin J.* who delivered the judgment of a majority of the court, said: (pages 352-3.)

"As pointed out in the case of *Blackwoods, Limited, v. The Canadian Northern Railway Company*—more particularly in the judgment of my brother Duff, at pages 96 *et seq.*—the appellants' spur, constructed solely under the authority of their agreement with the Grand Trunk Pacific Railway Company, must be treated as a private siding or branch, not in any sense part of the Grand Trunk Pacific Railway. Its connection with the railway, because lawful without authorization by the Board of Railway Commissioners, raises no presumption that such authorization was obtained. As a private siding the board, in my opinion, had not jurisdiction to order its extension, unless it first provided in a proper and legal manner for its becoming part of the Grand Trunk Pacific Railway. This it might have done by directing the expropriation by the railway company of the land on which the siding is constructed."

In the present case as the spur is already part of the railway, it is not necessary that any expropriation proceedings be taken; but, there should be compensation to the Fairbanks-Morse Company for the use of the railway through its property.

In order to inconvenience the Fairbanks-Morse Company as little as possible, the railway through its property should not be used to get to or from the Boland spur between the hours of 7 a.m. and 6 p.m.

An order may go accordingly.

Judgment, Mr. Commissioner McLEAN, January 14, 1915.—

The fundamental question involved in the present application is whether the spur is part of the railway. Order 10062 went subject to the terms and conditions of the agreement between the company, that is, the railway, and the contractor, that is, the Fairbanks-Morse Company. Section 5 of the agreement provides that "the contractor shall pay . . . \$1 per annum on the value of the rails, switches, frogs, fastenings and signals and other iron and steel materials of the company in the said siding, and as an acknowledgment of the company's ownership and control of the said siding which is hereby understood that the company furnish for the accommodation of the business of the contractor." Order 10062 went under section 222 of the Railway Act; but, in view of the fact that it went, as above indicated, subject to the terms and conditions set forth in the agreement, it is necessary to see just what the scope of the agreement was.

## SESSIONAL PAPER No. 20c

By section 19 of the agreement, it is set out that on the termination of the agreement, either by lapse of time or otherwise, or if there is any default in any of the covenants or obligations imposed upon the contractor, the railway shall have the right, without previous notice to the contractor, to take up all the "rails, switches, frogs, fastenings and signals, and iron and steel works and all other materials and property belonging to the company in the said siding." The railway did not, under the agreement, obtain any right of way. The Fairbanks-Morse Company, under the agreement, was to provide the necessary right of way. The effect of this is that the property in the physical materials necessary for the construction of the siding remained in the railway. The title to the right of way necessary for the siding outside of the company's lands remained in the Fairbanks-Morse Company.

In the ordinary printed siding agreement form used by the railway, section 8 provided that the railway was to have the right (1) to use the siding as a common carrier, without charge being made by the contractor (2) to receive and deliver freight upon the siding for persons other than the contractor, when this can be done without interfering with the proper handling of the business of the contractor, and subject to a payment per car therefor; (3) to connect the siding or cross the same with other sidings and use said siding as an approach to or continuation of any other siding. In the agreement between the railway and the Fairbanks-Morse Company, this section was stricken out.

While there is a reference in section 5 to "an acknowledgment of the company's ownership and control of the said siding," I cannot read this as incorporating the siding into the railway system, thereby making it part of the railway. The agreement is for a limited time. If the arrangement is continued thereafter, it would depend on another agreement. That is to say, assuming the force of the agreement is to incorporate the siding into the railway system, its continuance as a part thereof assumes as a condition precedent the continuing assent of the contractor. Further, under section 18 of the agreement, the company may terminate the agreement on three months' notice. It may also, under section 19, be terminated by it in case of default on the part of the contractor. On the termination of the agreement and the removal of the rails and materials, what ownership and control remains to the railway? While the siding is in operation under the agreement, it has an easement over the lands of the Fairbanks-Morse Company, this easement terminates when the agreement terminates.

The acknowledgment in section 5 as to "ownership and control" must be read along with the words "which is hereby understood that the company furnish for the accommodation of the business of the contractor." If the portion of track in question is part of the railway system, then it cannot be limited to the case of a particular individual. The wording of section 5 must be read in the light of the fact that section 8 is stricken out. It is evident that it was intended to preclude the siding being used for the business of any person other than the contractor. The words, in section 5, "which is hereby understood that the company furnish for the accommodation of the business of the contractor" are, therefore, to be read not as words of description but of limitation as to the use. That is to say, the company bound itself that this siding should be treated exclusively as a private siding. I am, therefore, unable to see that, on what is before us, the present application is distinguishable from the position laid down by the Supreme Court in its judgment in the Clover Bar Coal Company's case.

APPLICATION OF THE MUNICIPALITY OF ESQUIMALT FOR STATION FACILITIES ON THE ESQUIMALT AND NANAIMO RAILWAY AT THE CROSSING OF ADMIRAL'S ROAD.

Judgment, Assistant Chief Commissioner SCOTT, January 20, 1915:—

The Municipality of Esquimalt adjoins the city of Victoria on the west. It has a population of about 4,500 people and is a separate municipal organization from

Victoria. There are about 500 dwellings in Esquimalt. It is a naval and military base, and a shipbuilding industry has been located there. Esquimalt & Nanaimo Railway Company has no passenger facilities in Esquimalt. The municipality applies for both passenger and freight accommodation near the crossing of the railway over Admirals road, which would be the most convenient spot for the people of Esquimalt who wish to avail themselves of the service of the railway. The railway has a station called Esquimalt station which is some distance north of the northern boundary of the municipality; but, as there is no highway leading to that station, and because of its distance away it is of no benefit to the applicants. Esquimalt station is used merely by the railway company as a suitable place for it to get its oil for its engines; the oil being transferred from steamers at the railway company's wharf adjoining the station.

In Victoria, in addition to the terminus of the railway, it has a station called Russell station to the west of the bridge over Victoria Arm, where I understand all passenger trains now stop for the purpose of changing engines. Russell station is a little over a mile and three-quarters from the crossings of Admirals road. It seems to me unreasonable to expect the people of Esquimalt to travel into Victoria to take the train at the Victoria terminals, or Russell station, when it would be far more convenient for them to get the train at Admirals road.

After the hearing, I went over the ground and viewed the different points which might be suitable for a station for the Esquimalt people, and I also travelled up and down the line on the railway. I am satisfied that the Admirals road site is the most suitable, and I think that the people of Esquimalt are entitled to some railway facilities at that point.

As far as passenger facilities are concerned, I think there should be a flag stop at Admirals road for all passenger trains. Those desiring to take a passenger train at that point should have the train stop for them upon flagging it; and, those on a train desiring to leave it at Admirals road should have the train stopped for them upon the conductor being notified. There should be a flag station shelter erected at a convenient point in the vicinity of the Admirals road crossing. The railway company should submit to the board a plan of the proposed shelter and location within thirty days.

As far as freight facilities are concerned, the railway company has signified its willingness to put in a siding at Admirals road on the usual terms. The parties who desire the siding should negotiate with the railway company and endeavour to arrange for the facilities required. If they are unable to come to terms the matter may be referred to the board and it will be disposed of without further hearing. In the meantime, therefore, the question of freight facilities is reserved.

Commissioner Goodeve concurred.

#### STANDARD REGULATIONS *re* OPENING OF NEW LINES.

Judgment, Chief Commissioner DRAYTON, January 21, 1915.

The different railway companies were required to show cause why the standard regulations of the board as to the opening of new lines should not be changed so as to provide that, in addition to filing the standard mileage tariff applicable to traffic on the portion of the railway to be opened, the appropriate class or town tariffs, the mileage commodity tariffs, and the special tariffs on grain to Fort William, etc., and on lumber from British Columbia, should also be filed.

Notice was given the companies and the question considered at a hearing of the board held at Ottawa on January 5, 1915.

No sufficient reason was advanced by counsel appearing for the different railway companies against the proposed changes; but at the request of Mr. Flintoft, who appeared for the Canadian Pacific Railway Company, judgment was not delivered at



## SESSIONAL PAPER No. 20c

the hearing, but was withheld for ten days in order to allow Mr. Flintoft opportunity in which to file any written submissions he might desire to file on the receipt of further instructions.

No submissions have been filed either on behalf of the Canadian Pacific Railway Company or anybody else.

As announced at the hearing, the order will, therefore, go.

This action is necessary owing to the fact that cases have occurred in the past where it has been shown that, although railway companies before opening new lines have either filed standard mileage tariffs applicable to the extensions opened, or already have sufficient mileage to cover the extensions expressed in their existing tariffs, the companies have delayed in filing commodity rates, with the result that, in certain instances, shippers on the new lines suffer from a direct discrimination. To illustrate, the Canadian Pacific Railway from Assiniboia to Lafleche and Shaunavon was opened for traffic on January 19, 1914, the requirements of the board as to standard mileage tariffs being properly complied with. The reduced and usual lumber rates from British Columbia, however, were not filed with the board and did not come into effect until May 5, 1914, with the result that traffic moving over the new portion of the line was carried at rates unduly high and discriminatory. As a matter of fact a complaint shows that the difference in the rate from Ymir, B.C., to Lafleche was 4 cents, and from Ymir to Shaunavon 10 cents per 100 pounds. As a usual rule shippers in the first instance are not alive to the situation, and the discrimination is practised for some little time, when complaints are inevitably received and the cause of the discrimination removed. As the standard mileage tariff, under which the commodity moved, was, nevertheless the only tariff applicable, the shippers have no opportunity to obtain refunds. Under this judgment, the rules of the board appertaining to the opening of new lines will be altered, so as to provide that not only must the standard mileage tariff applicable to traffic on the portion opened be effective, but that also the appropriate class or "town" tariffs, the mileage commodity tariffs, and the special tariffs on grain to Fort William, etc., and on lumber from British Columbia, be made effective. This arrangement will protect the public from overcharge without injury to the companies. It will simply mean that the internal arrangements of the companies must be somewhat changed, and that it will become the duty of the constructing department to advise the traffic department as to the approximate time roads under construction will be ready for opening, which will enable the preparation of proper tariffs to be made in proper time and obviate any delays that otherwise might occur.

This disposition of the matter does not, of course, affect emergency operations that are contemplated by section 261, subsection 7. There is undoubtedly a period when the road is not yet in a position to fulfil the statutory requirements of a carrier, while at the same time it is able to carry some traffic in case of settlers, who before railway extensions are made are often subject to almost prohibitive teaming costs. Note western freight rates judgment, pages 24 to 26 inclusive.

In the past companies at the urgent request of shippers have, through their construction departments, carried freight at any rate they chose to charge. These rates while excessive as compared with railway rates were nevertheless always less than those of the previous methods of transportation, and were sought to be justified on the grounds of the necessity of settlers, and the fact that such a service was in any event never remunerative to the carrier and to some extent a nuisance as interfering with construction work. The practice, however, was and is illegal. (*Baker Reynolds Co. v. Canadian Pacific Railway Co.*, 10, C.R.C. 151 *Randall et al. v. Canadian Pacific Railway Co.* File 24292.)

In cases where the needs of a district demand it, in the future, orders may be made under the subsection for such a limited period as will enable the line to be brought to a proper state for general traffic.

6 GEORGE V, A. 1916

In dealing with such applications in the future, while it is clear that the railways cannot be compelled to make the application, some action must be taken by the board having regard to the necessities of the emergency justifying leave to operate; which will limit the toll the railway company may collect.

Deputy Chief Commissioner Nantel and Commissioners McLean and Goodeve concurred.

#### PROTECTION AT SEVENTEENTH AVENUE, MOOSEJAW, SASK.

Judgment, Assistant Chief Commissioner SCOTT, January 22, 1915:

A number of residents of the city and district of Moosejaw have petitioned the board for a subway to carry Seventeenth avenue under the tracks of the Canadian Pacific Railway at Moosejaw. Seventeenth avenue is the main highway for those living south and east of Moosejaw to reach the city. The Saskatchewan college is on Seventeenth avenue south of the tracks of the railway; and, persons going to and from the business and chief residential sections of Moosejaw and the college must cross the tracks of the railway. The railway is on an embankment in the neighbourhood of Seventeenth avenue. This circumstance adds to the feasibility of a subway.

After the hearing at Moosejaw I visited the crossing in question and looked over the surrounding territory. The ground upon which the college is situated south of the tracks is higher than the railway; and approaching the tracks from the south on Seventeenth avenue a slight grade is descended. There is a curve on the railway to the east. With the exception of the view a person approaching the crossing from the south gets of a train coming from the east, which is somewhat obstructed, there is a good view in all directions of approaching trains.

As intimated to the parties at the hearing at Moosejaw, the board does not feel warranted at present in ordering the construction of a subway; but, when the population of the southeast section increases as is expected, and the financial position of the city of Moosejaw and the railway improves, the necessity will arise for a subway in the vicinity of Seventeenth avenue. It seemed to me that in the neighbourhood of Sixteenth avenue where the embankment is higher, the subway could be built for less money than at Seventeenth avenue. The city estimates a subway at Sixteenth avenue would cost \$100,000, and at Seventeenth avenue \$152,000. These are merely estimates. No detail plans have been prepared by the city. I do not know what size subway these estimates cover; but it seems to me a subway of sufficient size to take care of the traffic for many years to come could be built for less money at either of the avenues in question.

The question of whether a subway should, or should not be constructed in that locality can, therefore, be allowed to remain in abeyance until circumstances seem to warrant the matter being again brought to the attention of the board.

In order to decide what, if any, protection should be provided at the level crossing of Seventeenth avenue, we asked the city and the railway to supply us with statements of the travel on the railway and the highway. The railway company put in a statement to show that for the seven days from the 13th to the 19th December inclusive, there were 191 engine movements over the crossing. This is an average of about 29 movements in a day. The city puts in a statement which shows that from noon on December 15 to noon on December 22, between the hours from 6 a.m. and midnight there were 871 vehicles, including 128 automobiles passed over the crossing. This gives a daily average of 124. The same statement shows that 1,071 pedestrians crossed the track during that time, which means a daily average of 157. It is pointed out in a letter to the board by one of the petitioners that many persons travelling on foot between the city and the college take a short cut and cross the track at a point near Sixteenth avenue and they therefore were not counted in the number of pedestrians.

## SESSIONAL PAPER No. 20c

statement of which was sent in by the city. It is also pointed out that during the time that the count was being taken by the city, the weather, was extremely cold; the thermometer registering considerably below zero during almost the entire period.

I think under the circumstances, we may let this matter stand for six months and allow the city or the petitioners to again bring it to the attention of the board, if they desire to do so, with any further evidence they desire to submit.

Commissioner Goodeve concurred.

APPLICATION OF THE BOARD OF TRADE OF MOOSEJAW, SASK., FOR AN ORDER DIRECTING THE CANADIAN NORTHERN AND CANADIAN PACIFIC RAILWAY COMPANIES TO ESTABLISH A TRANSFER TRACK AT ROSETOWN, SASK.

Judgment, Mr. Commissioner GOODEVE, January 29, 1915:

This matter was first brought to the attention of the board by an application from the Prince Albert Lumber Company, Limited, on behalf of the Spruce Manufacturers, for an order directing the Canadian Northern Railway Company, or the Canadian Pacific Railway Company, to establish a switch connection at Rosetown or Conquest, and to issue joint rates on lumber via that transfer. It was first heard at Prince Albert on the 16th November, 1912, before the Chief Commissioner and Commissioner McLean, when copy of the application was ordered to be sent the railway companies with a request to file their answer. It was again heard at Winnipeg on December 16, 1912. At this hearing, by consent of the two companies interested, it was agreed to construct a transfer at Conquest in the spring as soon as the weather would permit, this having been decided upon as being the more suitable point. No formal order to go. The companies to file joint tariffs.

A letter of complaint, regarding the delay of the putting in of this transfer track was received from the Prince Albert Lumber Company, Limited, under date of January 22, 1913, to which reply was sent by the Chief Commissioner stating that owing to the undertaking of Mr. Lanigan on behalf of the C.P.R. Co. to have this transfer in by the 15th June next, the board did not deem it necessary to issue a formal order, and a further letter was forwarded to the C.P.R. Co. calling attention to this delay; the result of the correspondence being that Order No. 18682 was issued under date of February 14, 1913, ordering the construction of this transfer track at Conquest between the Canadian Pacific and Canadian Northern Railway Companies; work to be done by the Canadian Pacific Railway Company and to be completed by November 1, 1913. At a subsequent sitting in Regina on May 29, the time was extended for the completion of this work until June 15; and on July 25 the board received word that the transfer track was ready for service.

In March, 1913, a letter was received from the president of the Rosetown Board of Trade asking what steps were necessary relative to making a formal application for a transfer track at that point. The matter was taken up with the railway companies, and subsequently set down for hearing at Regina on Monday, May 26, 1913, the Board of Trade at Rosetown being represented by Mr. C. W. Holmes and Mr. F. W. Van Allen; Mr. O. H. Clark, K.C., appearing for the Canadian Northern Railway Company, and Mr. Sullivan for the Canadian Pacific Railway Company. After due consideration of all the evidence submitted, this application was refused.

On October 20, 1914, the matter was again brought to the attention of the board, by a letter from Mr. R. Patton, secretary of the Moosejaw Board of Trade, and under the direction of the Chief Commissioner it was set down for hearing at Moosejaw on December 10, 1914, when all parties interested were notified. The reason advanced for asking of the re-opening of this case was that a new tariff had developed between the Canadian Northern and Canadian Pacific Railway Companies, which could move to greater advantage via Rosetown, consisting chiefly of grain, live stock and coal,



6 GEORGE V, A. 1916

From the evidence submitted it was shown that the grain would move in this way under abnormal conditions only; and a statement was made by Mr. Stevens on behalf of the Canadian Northern Railway Company, that so far as live stock shipped via Moosejaw was concerned, between January and November, 1914, they had given to the Canadian Pacific Railway Company fifteen cars only, two of which might have been transferred via Rosetown to better advantage than via Conquest. He also put in statements showing carloads delivered by the Canadian Northern to the Canadian Pacific Railway Company for the same months; out of a total of 173 cars, 96 might have moved to better advantage via Rosetown; but two-thirds of this latter number consisted of coal for Moosejaw.

The movement of coal from Drumheller on the C.N.R. via the C.P.R. is only temporary, because when the C.N.R. Co.'s line from Regina to Moosejaw is completed no coal will be given the C.P.R. He also submitted a statement showing carloads of freight delivered from the C.P.R. Co., during the same months to the C.N.R. Co. Of this a total of 113 cars 71.6 per cent moved to their destination to the best advantage via Conquest, so that it is evident that the traffic chiefly concerned is coal, and this traffic is largely confined to the output of the Drumheller mines; and as stated above none of this traffic will go via C.P.R. when the C.N.R. Regina-Moosejaw branch is completed.

Taking present conditions, the C.N.R. distance Drumheller to Rosetown is 243.1 miles, to Conquest 318.1; C.P.R. Rosetown to Moosejaw 163.3, from Conquest 128.7; so that the through mileage via Rosetown, if the transfer were put in, would be 406.4, while via Conquest it is 446.8 miles.

Via Conquest the coal rate is \$3.00 per ton; via Rosetown it would be \$2.80—a difference of only 20 cents a ton.

It was shown that the cost of installing a transfer would be in the neighbourhood of \$2,500, besides which as Rosetown is nearly three miles from the C.P.R. and about the same distance from the C.N.R. it would be necessary to appoint an agent to take charge of the transfer at that point, which would involve an additional cost of six or seven hundred dollars or more per annum.

This is not the only source of supply of coal for Moosejaw and that district, and no evidence was submitted to show that there would be any advantage to the general public in the way of reduction of cost of coal if this transfer was installed. In fact, I am of the opinion that the Drumheller Mines and its agents would be the ones to whom any advantage would be likely to accrue.

Under these circumstances, I do not think we would be justified in putting upon the railways the cost of the installation of a transfer at this point; but in view of the oral judgment of the chief commissioner delivered in the Stettler case, heard at Calgary on June 22, 1914 (file 15800), I think a similar disposition might be made of this case, as I believe the conditions are parallel, namely, that this should be treated as an industrial spur and an order issued for the construction of the transfer on condition that the Drumheller Company deposit in a chartered bank the sum necessary to cover the cost of construction, which amount is to be rebated to the mining company at the rate of \$2 per car until the money advanced for the construction of the spur is all refunded.

Assistant Chief Commissioner Scott concurred.

APPEAL FROM THE WOLFVILLE MILLING COMPANY, LIMITED, FOR THE BOARD'S RULING AS TO WHETHER THAT COMPANY OR THE DOMINION ATLANTIC RAILWAY COMPANY IS LIABLE FOR THE MAINTENANCE OF THE SPUR SERVING THE PROPERTY OF THE WOLFVILLE MILLING COMPANY.

Judgment, Chief Commissioner DRAYTON, February 1, 1915.

The complaint of the applicant company has been served on the railway company which has now answered it.

## SESSIONAL PAPER No. 20c

On the applicant company being required to produce the agreement under which the siding was constructed it states that it has no record showing that any agreement had been entered into as to the up-keep of the siding at the time of construction.

The applicant company's submission further shows that the siding was built about fifteen years ago for the purposes of a previous owner of the mill; that the owner paid for the sleepers and the company supplied the rails; and that the company has kept the siding in repair with the exception of the trestle at the side of the mill.

The railway company's answer practically agrees with this statement of fact pointing out that the siding was built in the spring of 1898 for A. L. Calhoun (deceased), from whom the applicant company bought the siding; that Calhoun provided the ties in the first instance, and that the railway company graded the siding, put down the rails, and did the ballasting, and has since maintained it. The railway company also states that there was no agreement as to the siding.

As matters now stand, that part of the siding which is constructed on the railway company's right-of-way belongs entirely to the railway company. So far as the siding on the property of the applicant company is concerned, the title to the right-of-way is in the applicant company, the only interest the railway company has in the siding off its property being the ownership of the rails. Of course, if the siding had been constructed so that it would become part of the railway property, the railway company should be at the expense of repairing and maintaining the whole of it. Under the circumstances here, the railway company must maintain in its entirety that part of the siding which is built upon its own property.

So far as the extension of the siding into the property of the applicant company is concerned, the railway company should also, from time to time as necessity arises, renew the rails; but the under-structure, including trestles or any other works that may be necessary to be maintained on the lands of the applicant company, should be maintained and repaired by it.

Assistant Chief Commissioner Scott concurred.

APPLICATION OF THE FORT WILLIAM BOARD OF TRADE TO BE GRANTED A REDUCTION OF  $2\frac{1}{2}$  CENTS PER 100 POUNDS, IN RATES, FOR SHIPMENTS WESTWARD ORIGINATING AT FORT WILLIAM.

Judgment, Assistant Chief Commissioner Scott, February 4, 1915.

There is a wharfage charge of  $2\frac{1}{2}$  cents per 100 pounds imposed by the Canadian Pacific Railway Company for the use of its wharf and warehouse at Fort William on shipments to Fort William for local delivery. This wharfage charge is not made by the railway company on through lake and rail shipments to points west of Fort William. It is contended by the Fort William Board of Trade that the rates from Fort William west, which are the same for shipments ex-lakes and shipments originating at Fort William, include this wharfage charge. The applicant contends that Fort William merchants who get in goods by water, pay the wharfage charge, and subsequently ship the same goods west from Fort William, pay the wharfage charge twice, i.e.,  $2\frac{1}{2}$  cents per 100 pounds wharfage when the goods are received and the  $1\frac{1}{2}$  cents which it contends is included in the rail rate west.

The board of trade asks that an additional  $2\frac{1}{2}$  cents per 100 pounds be imposed on all through shipments to the West ex-lakes; or, that a rebate of  $2\frac{1}{2}$  cents per 100 pounds be granted on all west-bound shipments originating in Fort William.

The point at issue in this matter is, whether the rates on shipments from Fort William west, either ex-lake or originating at Fort William, include  $2\frac{1}{2}$  cents per 100 pounds to cover wharfage at Fort William or not. I have no hesitation in saying that the rates from Fort William west do not include anything for wharfage. These

rates were fixed by the board in General Order No. 125, and became effective on September 1, last. The order was issued pursuant to the judgment of the board in the western freight rates investigation. The special class rates from Fort William to points west, which will be found on page 63 of the printed judgment of the Chief Commissioner, are the rates on which the great bulk of traffic from Fort William moves west. These special class rates were prepared by the chief traffic officer of the board and bear a definite relation to the distributing and standard tariffs applicable to and from all points throughout the West. One might just as well contend that the rates from Winnipeg to Prince Albert, or from Saskatoon to Medicine Hat, include wharfage, as to say that the rates from Fort William west include that wharfage. Since the first of September last, all rates between points west of Fort William are fixed on a mileage basis, and if the request of the Fort William board of trade in this matter were made effective an unfair preference would be granted to Fort William, and some of the benefits of the board's order in the western freight rates investigation destroyed.

It is not unreasonable that the combined rates on goods from the East, contracted to Fort William, delivered and stored there, and subsequently reshipped west, should exceed those charged from the same eastern shipping point to the same western destination, for the transshipping of which the railway company must necessarily provide facilities at Fort William—in the latter case there is but one transaction or contract, in the former there are two.

At the hearing a shipment of potatoes was mentioned. A carload of potatoes grown in the vicinity of Fort William would be at no disadvantage as far as the rail rate was concerned, in competition with a carload shipped by lake and rail from the east.

It is, of course, true, that shipments to Fort William pay a wharfage charge, and that on through shipments this charge is not exacted. That is not a discrimination against Fort William and I think its board of trade has no ground for complaint.

The application should be refused.

Commissioner Goodeve concurred.

#### COMPLAINT OF THE BOARD OF TRADE OF FORT WILLIAM, AGAINST SWITCHING CHARGES AT FORT WILLIAM, ONT.

Judgment, Assistant Chief Commissioner SCOTT, February 4, 1915:

By its Tariff C.R.C.W. 1919, the Canadian Pacific Railway Company charges 1 cent per 100 pounds minimum \$5 per car, for switching between its dock and railway sidings at Fort William. The same tariff also provides a similar charge at Port Arthur.

The Canadian Pacific Railway Company has extensive wharfage facilities at Fort William. In addition to its own line of steamers there are a number of steamship lines over which the Canadian Pacific Railway has no control, which use these Canadian Pacific Railway wharfage facilities. There is a city wharf at Fort William which is practically unused. All the water borne traffic destined for Fort William and places west is handled over the Canadian Pacific Railway wharf and through its warehouse.

A wharfage charge of 2½ cents per 100 pounds is imposed by the Canadian Pacific Railway on all water borne traffic for local delivery at Fort William unloaded at the Canadian Pacific Railway wharf whether it is carried on Canadian Pacific Railway or other boats. This charge covers the service for taking the traffic from the rail of the vessel and passing it through its warehouse to be loaded on cars for private siding or team track delivery, or to be teamed direct from the company's warehouse. The company has excellent wharfage and warehousing facilities at Fort William; and, while at our recent visit we found the facilities for teaming from the warehouse to point in Fort William were not as adequate as they might have been, we received the under



## SESSIONAL PAPER No. 20c

taking of the company to supply adequate facilities for this purpose within a reasonable time. The question of the freight shed facilities at Fort William is dealt with in our File No. 24808, and my judgment in that matter at our sittings at Fort William, on December 16 last, will be found at page 6472 of volume 214 of the notes of evidence of the board.

The reasonableness of the  $2\frac{1}{2}$ -cents per 100 pounds wharfage charge came up for discussion during the hearing, although no formal complaint against the wharfage charge had been made by the board of trade. This wharfage charge was stated to be the usual charge made for such service at United States ports on Lake Superior. The railway company has spent a large sum of money in providing the wharf and warehouse at Fort William and it is only reasonable that it should get a fair return for the use of its property. From the evidence before us I think the  $2\frac{1}{2}$  cent charge is a reasonable one.

At one time, before the railway company had its present wharf and warehousing facilities it used to load into cars and switch Fort William freight from its wharf to private sidings or team tracks in Fort William without charge. It is stated that this was done to relieve the congestion in the warehouse. Now, that its warehousing facilities have been increased the company states that congestion does not occur, and that therefore it feels justified in charging for such switching service if it is required.

Those receiving freight shipped to Fort William by water are not bound to pay for this switching service. They have the option of teaming their goods away from the freight shed, or of calling upon the railway company to switch the goods to the place where they desire to unload.

This switching service consists in the placing of an empty car, at the warehouse, loading it, and switching it through the expensive yards of the company at Fort William to the point designated by the consignee. For this service the company charges 1 cent per 100 pounds with a carload minimum of \$5. This is the same rate as is fixed by the board for interswitching, with the exception that the carload minimum in interswitching is \$3; and, for the switching under consideration it is \$5.

There is a greater service provided in the case before us than in interswitching, because in interswitching the company that does the work merely takes a loaded car from one point to another—a distance not exceeding 4 miles; whereas, in the Fort William case the company must place its empty car, load it, and then switch it to destination. Under the circumstances, I do not think the existing switching charge at Fort William is excessive.

It was pointed out that where the consignee of goods ordered them to be switched to a point in Fort William, that he had to pay not only the  $2\frac{1}{2}$  cent wharfage, but also 1 cent switching; and, that the operation of taking the goods from the rail of the boat and placing them on the car to be switched was but one movement, and that as the two services charged for were rendered at the same time and to some extent were merged into one service that the combined charges were excessive. As I have already stated, I think each of these charges taken by themselves is reasonable; and, while it is true that the handling from the boat to the car is sometimes done as one movement, still the handling is only a portion of each of the services provided, and would not warrant any reduction in the rates being made.

I think this application should be refused.

Commissioner Goodeve concurred.

APPLICATION LONDON RAILWAY COMMISSION, ON BEHALF OF THE LONDON AND PORT STANLEY RAILWAY COMPANY, FOR APPROVAL OF CLEARANCES.

Judgment, Chief Commissioner DRAYTON, February 5, 1915:—

An application has been made by the London Railway Commission, acting for and on behalf of the London and Port Stanley Railway Company, for approval of certain railway clearances that are within the clearance ordered by the board.

6 GEORGE V, A. 1916

The London and Port Stanley Railway Company, a Dominion incorporation, and, therefore, subject to the jurisdiction of the board, is now being operated by the London Railway Commission as agents for the corporation of the city of London, the lessees of the railway, under the provisions of 4-5 George V, C. 96.

The line is of some twenty-four miles in length, and is now being electrified, the work being carried out for the London commission by the Hydro-Electric Power Commission of Ontario.

The applicants, unfortunately, have proceeded with this work irrespective of the board's requirement as to clearances.

It is stated that the applicants had no knowledge of the board's requirements; and that, before commencing the work, believing that the clearances ordered by the board applied only to steam lines and not to electric roads, made an examination of some standard railways in the United States with a view of obtaining first-hand information of the best and most modern forms of construction, having particular regard—among other things—to the question of clearance.

The result of the investigation which the applicants made was to ascertain that the standard clearance required by American Electric Railway Engineering Associations' practice called for a clearance of seven feet, and the commission has proceeded with the work of electrification so as to give a clearance of seven feet 3 inches, thus giving three inches more clearance than required by the American practice.

The contract for all the poles has been given. These poles have been constructed so as to carry a cross-arm giving the clearance decided on, namely, seven feet three inches. Some one hundred and fifty poles have been actually erected. The erection is of a permanent, solid character, the poles being imbedded in concrete footings. The concrete block in which they are placed weighs from six thousand to seven thousand pounds. Unfortunately, not only have these poles been erected, but all the poles manufactured so as to provide a factor of safety which I would not regard as sufficient to insure public safety should the pole be used with new, longer, and heavier cross-arms, which would in all instances secure the required clearance of eight feet, four and a quarter inches.

In support of its application for the allowance of a reduced clearance, the London Railway Commission points out that, in the case of the electrified line, the overhead structure has to support a load varying from eight hundred to one thousand pounds per point normally throughout the length of the line; and that the cost of the overhead structure increases rapidly when the bracket is extended. It submits that this is the reason why the reduced clearance is allowed in the electrified road under American practice as against the clearance of seven feet, six inches, applying on standard steam railways.

The applicants also point out that the clearances of the Windsor, Essex and Lake Shore—a company under the jurisdiction of this commission—are but seven feet, while the clearances of the Hamilton and Dundas line are only six feet to six feet ten inches. This latter line is a provincial incorporation. The applicants also urge that, in order to get the board's clearance, not only would the poles be lost, but that the position of the track would have to be changed and a quantity of extra filling would have to be done along the line of the railway.

The applicants urge that, in so far as electrical construction is concerned, the standard of the Ontario Railway and Municipal Board should be adopted, which standard is quoted by the applicants as requiring—in the case of electric lines—a clear width of at least six and one-half feet on either side of the centre of the track at a height of ten feet above the rails.

The clearances adopted by the Ontario Railway and Municipal Board have really been made to cover the exigencies of the operation of electric, street, and radial cars. The clearances required by this board, on the other hand, are such clearances that will enable brakemen to attend to their duties without running the danger of being struck

## SESSIONAL PAPER No. 20c

by poles or other erections near the track, and, in my view, the clearance demanded by the board—under its more recent regulation—of eight feet, four and a quarter inches, is not extreme and should be followed.

The applicants, however, point out that the poles are erected on one side of the line, and that their operating rules can be so drawn that the brakemen or other members of the train crew will be required to get on and off cars on the side away from the poles, and that the railway can be run safely and efficiently without the brakeman being put in any position of danger whatever.

Orders in the past have been made by the board allowing clearance less than required in certain cases where the railway applying undertakes to keep its men off the sides of cars. These orders have generally been made for short distances and in cases where there is no necessity for the brakeman to use the side of the car. Here, the distance is long, but, on the other hand, the danger only existing on the one side, the other side could always be used.

I think, therefore, that an Order can go approving the clearances as to the one hundred and fifty poles already erected at seven feet, three inches. So far as the poles that are not erected are concerned, in the view of our engineers it will be safe to subject the poles to the additional strain involved by putting the wire three inches farther away from the pole. A clearance of seven feet, six inches, should, therefore, be permitted in the case of the unerected poles. The order would go in the usual form in such cases; that is, an order that is subject to the due performance of the undertaking of the company—in this case the commission—to keep its men off the side of the cars, on the side of the track on which the poles are erected.

The result is that, if the stipulation is not observed, and the lives of the operators are placed in jeopardy as a result, the benefits of the order reducing the clearance cease, and the construction will be subject to being moved to the clearance of eight feet, four and a quarter inches as called for by the present general order of the board.

Commissioner McLean concurred.

APPLICATION OF THE LACHINE, JACQUES-CARTIER & MAISONNEUVE RAILWAY COMPANY, UNDER SECTION 157 OF THE RAILWAY ACT, FOR APPROVAL OF LOCATION FROM A POINT ON ST. CATHERINE STREET, MONTREAL, QUEBEC, EXTENDING NORTHWESTERLY A DISTANCE OF 7.18 MILES, TO CONNECTION WITH THE GRAND TRUNK RAILWAY NEAR JACQUES-CARTIER JUNCTION.

Judgment Chief Commissioner DRAYTON, February 5, 1915.

The railway company's route map having been approved by the Minister of Railways under the Act, the location plan was filed and approved by the board.

The location approved crossed the lands of the Montreal Street Railway Company now in question. The formal order of approval (being Order No. 13993), contained the following provision:

“(d) The location across the lands of the Montreal Street Railway Company to be arranged between the parties so that the least injury and inconvenience may be suffered by the Street Railway Company. Any matters of difference may be spoken to upon any further hearing.”

No arrangement having been come to between the parties, the Lachine Jacques-Cartier & Maisonneuve Railway Company made an application to the board showing that it required, for the purposes of its right-of-way, a portion of lot No. 340, parish of St. Laurent, consisting of a strip of land 597 feet in length by 100 feet in width, containing 1.62 arpents, as shown on the location plan and on page 70 of the book of reference in connection with Order No. 13993, of June 12, 1911, approving, under section 159 of the Railway Act, the location of the railway from its westerly terminus to a point near Iberville street.



6 GEORGE V, A. 1916

The order which the company required was one that would enable it to take the lands above mentioned, which lands belonged to the Montreal Tramways Company, a provincial corporation—which had acquired them (the said lands) from the Montreal Park & Island Railway Company, a Dominion corporation, agreeably to enabling legislation passed by both the Dominion Parliament and the province of Quebec. In other words, the property which the applicant company sought to take is the property referred to in the paragraph above and set out in Order No. 13993,—which property, or lands, the said company desired to take under the provisions of section 176 of the Railway Act.

After several written statements were filed on behalf of the different parties,—the main contention on behalf of the Montreal Tramways Company being that the board had no jurisdiction to grant the application,—the following order was issued by the board.

“THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA,

“Saturday, the 20th day of July, A.D., 1912.

“D'ARCY SCOTT, Assistant Chief Commissioner.

“S. J. McLEAN, Commissioner.

“IN THE MATTER of the Order of the Board No. 13993, dated June 12, 1911, approving the location of the Lachine, Jacques-Cartier and Maisonneuve Railway Company's line of railway from the westerly terminus of its railway to a point about 400 feet west of the Canadian Pacific Railway Company's crossing at Iberville street subway, in the city of Montreal; and the application of the Lachine, Jacques-Cartier and Maisonneuve Railway Company for authority to take, for the construction of its railway, a portion of lot No. 340, in the parish of St. Laurent, in the said city of Montreal, of the lands of the Montreal Park and Island Railway Company, consisting of a strip 597 feet in length and 100 feet in width, containing 1.62 arpents, as shown on the plan dated June 12, 1911, and approved under the said Order No. 13993.

“Upon reading what is alleged in support of the application and on behalf of the Montreal Park and Island Railway Company, and the report of the Chief Engineer of the board—

“IT IS ORDERED that the applicant company be, and it is hereby, authorized to take, for the purpose of the crossing, that portion of the said lot No. 340, of the lands of the Montreal Park and Island Railway Company consisting of a strip of land 597 feet in length by 100 feet in width, containing 1.62 arpents, as shown on the said plan.

“(Sgd.) D'ARCY SCOTT,

“Assistant Chief Commissioner,

“Board of Railway Commissioners for Canada.”

A petition was then filed by the Montreal Tramways Company, addressed to the Supreme Court, praying for leave to appeal from the above order; and leave was granted by order dated 30th September, 1912.

Judgment was delivered by a majority of the Supreme Court, in June, 1914, allowing the appeal on the ground that the order appealed from was beyond the jurisdiction of the board.

The Lachine, Jacques-Cartier and Maisonneuve Railway Company has since applied for an order to complete Order No. 13993, so as to allow that company to take the necessary proceedings under the Railway Act and acquire the right-of-way for the construction of its railway.

The application was heard at a sitting of the board held in Ottawa on December 7, 1914.

## SESSIONAL PAPER No. 20c

I am at a loss to understand why the company, in its former application, relied on the provisions of section 176. So far as that section is concerned, the applicant company—although originally under provincial jurisdiction—having become a Dominion Company under the provisions of the Dominion Act 1-2 Geo. V, Chapter 104, is a company subject to the provisions of the section. It is equally true that the property in question, although once owned by a company subject to Dominion jurisdiction, is now the property of a railway company subject to provincial jurisdiction.

The settled practice of the board has been to interpret the Act as applying merely to railways subject to Dominion jurisdiction, apart from specific sections in which provincial railways are dealt with; and, as a result, the board has held that the provisions of the section relied on by the applicant company apply only to a railway within the legislative authority of the Parliament of Canada,—one chartered by an Act of the Dominion Parliament or declared to be a work for the general advantage of Canada (*Preston & Berlin Street Railway Company v. Grand Trunk Railway Company*, 6 C.R.C. 142, *St. John and Quebec Railway Company v. Canadian Pacific Railway Company*, 14 C.R.C. 360.)

At the same time it is but fair to say that it would seem to be difficult—the order being considered entirely apart from the application and therefore apart from section 176—to give effect to it (the order) owing to the fact, *inter alia*, that the lands are not in any sense required for crossing purposes. The railway which the applicant company proposes to construct does not cross the right-of-way of the Montreal Tramways Company and the land sought to be taken when the order was made had no track on it. As the Montreal Tramways Company operates on the city streets, any crossing of its tracks would seem to be a matter which would arise in an application to cross a highway, which, of course, is not the case here.

At the hearing, Perron, K.C., who appeared for the Montreal Tramways Company, again raised the question of jurisdiction, arguing that the only tribunal competent to pass upon the issue was the Quebec Public Utilities Commission.

In considering this latter question, it occurred to me that the Quebec legislation gave its commission jurisdiction merely to adjudicate upon disputes as to crossings of electric railways; so an opportunity was given to Mr. Perron to make any further argument he desired on the question; and his statement is as follows:

“Under section 740 of the Revised Statutes of Quebec, the commission has jurisdiction: ‘(a) In all matters within the jurisdiction of the Railway Committee of the Executive Council, to which committee it is hereby substituted and with the powers of which it is hereby vested.’

“The land which the Lachine, Jacques-Cartier & Maisonneuve Railway Company now seeks to obtain possession of forms part of the railway of the Montreal Tramways Company.

“Paragraph 7 of section 6474 of the Revised Statutes of Quebec enacts: ‘That the railway company shall have power and authority to purchase land for and erect houses, factories, warehouses, elevators, docks, offices, and workshops.’

“Paragraph 9 of the same section No. 6474 gave power and authority to the company: ‘To cross or intersect any other railway.’

“Paragraph 20 of the same section enacts: ‘No railway company shall avail itself of any of the powers contained in paragraph 19 of this article, without application to the railway committee, constituted under article 6670, for approval of the mode of junction, crossing or intersection purposes.’

“I, therefore, suggest that the jurisdiction given by the Revised Statutes of Quebec to the Quebec Public Utilities Commission by article 6705 is not limitative, but simply indicates some of its powers.

“I will be very pleased to supply you with any further information if same is required.”

6 GEORGE V, A. 1916

In being asked to complete his argument on the question, his further statement is as follows:

"I beg to state that our suggestion is based mainly on the fact that the Board of Railway Commissioners for Canada have no jurisdiction over a provincial railway. Our reasons for that contention are fully explained in our factum in the case of the Montreal Park and Island Railway Company and The Lachine, Jacques-Cartier and Maisonneuve Railway Company, a copy of which we now enclose. See page 5, point two, Unconstitutionality.

"If we are right in this contention, it seems to us that the sections of the Revised Statutes which we quoted to you the other day give ample jurisdiction to the Quebec Public Utilities Commission to settle the matter."

A reference to the Quebec Act shows that no attempt has been made by the Legislature of that province to assert any jurisdiction over Dominion lines. Section 15 of the Revised Statutes deals with railways; and the interpretation articles 6470 (1) and 6471 (10 and 11) make it clear that the railway companies subject to the provisions of the Act are companies incorporated under the provisions of the Quebec Consolidated Railway Act of 1880, or under the Revised Statutes of the Province of 1888, or subsequent provincial legislation.

Again, section 3, article 719, and following articles appointing the Quebec Public Utilities Commission, do not attempt to confer upon the commission any jurisdiction over a Dominion line.

The opinion I hold regarding the Quebec legislation I find to be similar to that held by the Quebec Commission. At page 40 of the Commission's Annual Report for the year ending July 31, 1911, reference is made to the complaint of one Hemming as follows:

"A complaint that the crossing of the tracks of the Grand Trunk Railway Company by the track of the respondent (The Montreal Street Railway Company) at Guy street, Montreal, is very dangerous, and that a change of service between Centre street and Notre Dame street should be inaugurated. The respondent filed exception to the jurisdiction of the Commission and after a hearing upon this question the following finding was issued: 'Whereas the change in respect of the Guy street crossing would involve the Montreal Street Railway Company traversing tracks of the Grand Trunk Railway Company at another point than is permitted, and inasmuch as the Grand Trunk Railway Company is subject to the jurisdiction of the Board of Railway Commissioners for Canada, and this Commission has no authority to order such a crossing, the Commission is declared to be without jurisdiction to grant that portion of the complainant's demand. . . .'"

In any event, the question as to whether or not jurisdiction has been assumed by a province to deal with the issue in this case, can have little or nothing to do with the determination of the main question,—that question being whether, under the British North America Act, the Dominion Parliament, when it authorizes the construction of a national railway on a route fixed by Parliament, has the power to carry the project into effect, notwithstanding that to do so may entail the expropriation of a right-of-way not only through the property of private individuals but also through the property of a provincial railway company.

This question obviously cannot depend upon the extent to which provincial authority might, on the one hand, desire to aid a Dominion project, or, on the other, decide to authorize the construction of local railways in such a manner as to defeat a Dominion undertaking.

As a necessary and ancillary power, I am of the opinion that the Dominion's right to legislate is absolute. In the case of railways, there is no doubt as to the



## SESSIONAL PAPER No. 20c

necessity for the power. There is no question but that the necessity to expropriate land for the construction of a Dominion railway is much greater than the necessity to authorize a telephone company to place and keep its poles on certain highways. A telephone pole line can be deflected easily, and at small cost; while deflection of a railway line might well be so expensive as to become prohibitive, and, if deflected, the deflection might defeat a proper object of the undertaking. This being so, I am of the opinion that the issue in this case, proceeding in the manner in which it is now being dealt with, is covered by the judgment of Iddington, J., delivered in the appeal between these parties in the Supreme Court, following as it does the judgment of the Privy Council in *Toronto vs. Bell Telephone Company* (1905), A. C. 52; *Attorney General of British Columbia vs. C.P.R. Co.* (1906), A. C. 204.

It may be noted that, in the *Bell Telephone Case*, the local legislature had dealt with the subject, and had provided that no telephone poles should be erected on certain public streets without the consent of the municipalities, which are in most cases the owners of the streets.

I should also make reference to the case of the Attorney General of Alberta *v. the Attorney General of Canada et al* (1914), 31 *Times Law Reports*, 32.

The Dominion right I regard as merely ancillary to the main legislative power, with the result that provincial companies cannot be interfered with, except to the extent that the rights-of-way of Dominion companies have to be carried over the property of provincial companies, in order that effect may be given to the object of the Dominion incorporation. Manifestly, then, the board cannot, as has been suggested, authorize the taking of the railway system or right-of-way of a provincial company merely for the convenience of a Dominion company.

It may also be said that, in so far as the crossing of Dominion lines by provincial lines is concerned the practice of the board has been to treat the provincial applicants just as it treats Dominion applicants. Were the situation here reversed and a provincial company desired to cross a Dominion line, the appropriate order would be made as a matter of course.

To illustrate this practice as being applicable not only to existing local railways but also to contemplated lines, reference may be had to the application of the Southern Central Pacific Railway Company (a Dominion company), for the approval of its location plans (File No. 16355). At the hearing, the interest of the Alberta Pacific Railway Company (a provincial company), having been developed, Mabee, C.C., in delivering the judgment of the board said:

" . . . . that where a provincial corporation with a provincial charter gets its location plan approved by the local railway minister, and then files its location plan, being then in a position to go ahead with its construction legally according to the laws of the province,—that where that is done a federal railway is not entitled to come to this board and obtain a location that will throw it and the provincially incorporated company into endless conflict and turmoil."

Holding then, as I do, that this board has jurisdiction to authorize the expropriation of the land necessary for the construction and operation of the applicant company's railway, although the said land is owned by the Tramways Company, I must now consider the question as to whether the expropriation should or should not be authorized.

Mr. Perron complains that, in the former argument the company had been treated by the board as having no more rights than a farmer. In one sense, such an attitude would be defensible. As a mere land owner the company occupies no better position than any other land owner would occupy. On the other hand, the company being a public utility existing for the convenience of the public, it has a right to ask that the interests of that section of the public which patronizes, or may patronize, its system, should not be injuriously affected. The controlling consideration always is the public interest and convenience, and whether that interest and convenience are

6 GEORGE V, A. 1916

served by a provincial or a Dominion corporation makes no difference, and further, if there be a conflict of public interest, the question will again narrow itself down, not to one of advantage to either a Dominion or a Provincial corporation, but as to how the greater public interest or convenience is to be attained. At the time the original Order No. 13993 was made, there was no question as to the congestion of the Montreal terminals of the Grand Trunk Railway Company, a company controlling and owning the Lachine, Jacques-Cartier and Maisonneuve Railway, whose business it would be to relieve the congestion which existed. Mr. Perron, at the hearing, frankly admitted that there was no question as to the necessity of the line to relieve this congestion. The company has gone on acquiring the right-of-way authorized, and has already acquired property at a cost of \$1,439,000. In addition to this, it has expropriated other properties, the awards as to the value of which are now in appeal, which awards call for a further payment of some \$150,000. The Tramways Company has so far built nothing on the land which is sought to be taken except that since the former application, it has extended a track from its repair shop across it for a distance of some four hundred feet north of the proposed right-of-way. The board's engineer reports that at present this track is not being used, but the applicants' line must be constructed at such an elevation as will insure a clearance of fifteen feet over it, so that the use of this track will not be interfered with. To the south of the strip which is sought to be expropriated, it has the shop used for repairing cars. It was stated at the hearing that the largest number of cars ever in the shop at one time was seventy-five; and, after the hearing a further inspection was made, in order that the exact facts might be ascertained, when the Chief Engineer of the board learned that the barn in question was used only as a repair shop, and that there were then in the so-called repair shop forty-two cars, being overhauled and painted. The property which the Tramways Company now owns to the east of the said car shop will give the applicant company enough room to extend the shop to double its present size.

Under the circumstances, it is impossible to find that public interest will in any way be jeopardized by granting the order applied for.

It was said at the hearing that, if the railway was raised some 25 feet above the land and constructed on a span, the Tramways Company would withdraw its opposition, I shall be glad if an arrangement of some sort can be made between the parties: but no case has been made out which would warrant the board in ordering the applicant company to make such an elevation of its line. When the land is being expropriated, the Tramways Company will, of course, state its claims for damages before the arbitrator, and argue as it may think proper regarding the possible effect of such terms as the board might have imposed upon the company.

The lands that the applicant company requires are no more than the statutory right-of-way, which may be expropriated under the general order approving the location. The expropriation, therefore, could have been made under Order No. 13993, had it not been for the provisions of sub-paragraph (d) of the order. No arrangement having been made between the parties, as the board hoped, an order amending the original order by striking out the sub-paragraph referred to, will go as of this date.

Commissioner McLean concurred.

APPLICATION OF THE FORT WILLIAM BOARD OF TRADE FOR THE ESTABLISHMENT OF A CARTAGE SERVICE AT FORT WILLIAM; OR, FOR THE ABOLITION OF THE CUSTOM OF THE RAILWAY COMPANY OF COLLECTING THE CONSIGNOR'S CARTAGE FROM THE CONSIGNEE.

Judgment, Assistant Chief Commissioner SCOTT, February 5, 1915:

The railway companies have agreements with cartage companies in a number of cities and towns in Canada whereby the cartage company undertakes to call for and

## SESSIONAL PAPER No. 20c

deliver freight for the railway companies on a schedule of charges. These cartage companies are not under the jurisdiction of the board, and it is purely optional with a railway company to have such a service.

This board has no jurisdiction to order a railway company to establish a cartage service, and therefore we cannot grant the request of the applicants for an order directing the railway company to establish a cartage service at Fort William. With regard to the practice which the railway companies have been following in some places of collecting the consignor's cartage charges from the consignees when collecting the freight for the railway haul, it seems to me the remedy for this evil is in the hands of the consignees themselves. If they do not want to pay the consignor's cartage to the railway company, I see no obligation on them to do so. The railway company has no right to withhold delivery of the freight because the consignees refuse to pay the consignor's cartage; and, as the cartage appears as a sperate item on the freight bill, it would be a simple matter for the consignee to deduct that amount from the total amount demanded by the railway company.

The matter came before the board under File No. 18663-30 some years ago, and a memorandum of Mr. Commissioner McLean, concurred in by the chief commissioner, dated September 25, 1913, was issued to the railway companies and a number of boards of trade—a copy being sent to the secretary of the Fort William Board of Trade by the secretary of this board, in a letter dated October 13, 1913. A notice having been issued by the railway companies to the effect that it was the intention of the railway companies to discontinue the practice of collecting the consignor's cartage charges from the consignee, a strong protest was made to the board by delegates of a number of western shippers at a conference at Regina on December 18, 1913, against the withdrawal of this practice by the railway companies. A number of boards of trade of western cities joined in the protest.

As a result of this protest, representatives of the Grand Trunk Pacific and the Canadian Pacific railway companies, by memorandum dated December 19, 1913, agreed to continue the practice of collecting consignor's cartage charges from consignees in cases where the railway companies had recognized cartage agents at the point of shipment.

I entirely agree with the views expressed by Mr. Commissioner McLean in his memorandum already referred to, when he says:—

“The question as to whether the consignees should, or should not pay advanced cartage to the railway is one entirely of contract between the parties.

The board has nothing to do with it, nor is the work done by the railway in any manner a railway service or facility within the meaning of the Railway Act.”

That being so, I do not see that the board can take any action in this matter.

Commissioner Goodeve concurred.

COMPLAINT OF MR. JUSTICE FORTIN, OF MONTREAL, QUEBEC, AGAINST CANCELLATION OF 8 O'CLOCK P.M. TRAIN FROM ST. JEROME TO MONTREAL, P.Q., ON THE LINE OF THE CANADIAN PACIFIC RAILWAY.

Judgment Chief Commissioner DRAYTON, February 10, 1915:

On taking the complaint up with the railway company, the company claimed that, owing to conditions prevailing at the present time, it was necessary for it to reduce its train service where possible and to continue such reduction until business conditions improved.

The board has since investigated the situation with a view of determining whether or not the business between St. Jerome and Montreal would warrant an order being made by the board restoring the former service.



6 GEORGE V, A. 1916

The train, the discontinuance of which is complained of, was known as St. Jerome No. 436, formerly scheduled to leave St. Jerome at 8 a.m., Ste. Rose at 8.33 a.m., and to arrive at Montreal at 9.20 a.m. The board's inspector has tabulated the number of passengers carried on the train for the week November 24 to November 30, inclusive, as follows:—

November 24..	88 passengers.
" 25..	80 "
" 26..	103 "
" 27..	65 "
" 28..	55 "
" 29..	66 "
" 30..	124 "

He also reports that the bulk of the passengers carried are people engaged in various businesses either at Montreal or at intermediate stations between St. Jerome and Montreal, or those going to shop at Montreal, with the result that the greater part of the traffic does not take the train so as to get to work at a fixed hour.

The earlier trains operated between St. Eustache, St. Therèse, and Montreal, namely, Nos. 478 and 470, scheduled arriving at Montreal at 7.45 and 8.45 a.m. respectively, carry to a great extent (the inspector reports), people of the labouring class having to be at their work at eight and nine a.m. as the case may be.

The report further says that as the traffic did not warrant the service of two trains, the Canadian Pacific Railway Company, in changing time effective January 17, 1915, consolidated at St. Therese train No. 436 with the St. Eustache train No. 478 arriving at Place Viger station in Montreal at 7.45 a.m.

It appears that the complainant, Mr. Justice Fortin, lives at Ste. Rose and has regularly travelled by the train that has been cancelled.

Under the new train arrangements, a train leaves St. Jerome at 6.25 a.m. due at Ste. Rose at 7.01 a.m. and arriving at Montreal at 7.45 a.m. The next morning train is the limited No. 470, which is scheduled to stop at Ste. Rose at 8 a.m., arriving at Montreal at 8.45 a.m.

The result is, of course, that the complainant must leave Ste. Rose at 8 a.m. instead of at 8.34 a.m. as under the previous schedule.

There is no doubt that some inconvenience attends the rearrangement; but, unfortunately, there is also no doubt that traffic conditions at present are such as to require economy in operation, with the further result that the traffic conditions are not such as to warrant the service formerly enjoyed.

Under the circumstances, in my opinion, the application should be dismissed.

Assistant Chief Commissioner Scott concurred.

#### APPLICATION OF THE CANADIAN NORTHERN ONTARIO RAILWAY COMPANY FOR APPROVAL OF LOCATION THROUGH THE TOWN OF NORTH BAY.

Judgment Chief Commissioner DRAYTON, February 10, 1915:

The location plan of the Canadian Northern Ontario Railway Company through the town of North Bay was approved by Order No. 17906 after a hearing held in the town of North Bay at which the different interests were represented.

Street crossings were considered at a later sitting of the board held in North Bay for the purpose, and were approved by Order No. 20500. The latter order, although opposed by different interests, were nevertheless made by the board on the basis of an agreement (a copy of which was placed on file with the board), between the corporation of the town of North Bay and the railway company.

Under the agreement the corporation agreed to close those parts of Regina, Sherbrooke, Commercial, Second avenue, and Cedar streets covered by the right-of-way of the railway, and to close Fraser street, subject to a passage for pedestrians being provided. All was according to the plan made part of the agreement.

## SESSIONAL PAPER No. 20c

The corporation also agreed to take the necessary proceedings at the expense of the company to expropriate land for the purpose of opening and extending MacLaren street, as shown on the plan, and on similar terms to open up a street from Marion street to Front street, and another street connecting Front street with Second avenue.

The company agreed, among other things, "to pay all the expenses or damages which may be legally claimed by property owners, or otherwise, and which can be legally claimed under the Railway Act and the Municipal Act, or under either of them, or both, or any other damages by reason of the building of the railway through the town that can legally be recovered."

The company is also bound to build certain subways called for by the agreement, according to detail plans to be approved of by the board, and to make and maintain level crossings at certain other points.

Order No. 20500 adopts the different solutions of railway crossings covered by the agreement; and as to the question of liability, again acting in ease of the agreement, but without adding to it, paragraph No. 5 of the order provides:—

"That the company be responsible for any damages which property owners affected may be legally entitled to recover under the Railway Act and the Municipal Act."

Under these circumstances, an application is now made by the company for an order settling and determining what properties are damaged by the railway construction or in respect of any other matter arising from the carrying out of the agreement or of the order. In short, the railway company desires that the board should now determine definitely the zone of legal damage or interference.

I am of the opinion that no such order should be made. By the agreement between the parties damages legally recoverable either under the Railway Act or the Municipal Act are to be paid by the railway company. The effect of the agreement is that the town is to be at no responsibility for damages; and further that no ratepayer otherwise entitled to damages is to be deprived of his right. Under these circumstances, the board should not seek to limit the contractual obligation of a railway company or anyone else. Apart from right, there is, in any event, no jurisdiction to do so. Under the scheme of the Railway Act, damages are to be paid for lands actually taken, and to the extent that the sections permit, damage resulting to other property. The board had no power to abrogate or limit any right to these damages; and if it had the power, it certainly never should have and never has attempted to exercise it. The general statutory provisions have been amended by 1-2 George V, chapter 22, section 6, which adds to section 235 (this section dealing with the right of the board to authorize highway crossings), the following provision:—

"Subject to the company making such compensation to adjacent or abutting landowners as the board deems proper, the railway of the company."

Mr. Temple, for the railway company, relies on this amendment as justifying the order that he now asks. The amendment is not designated to limit, but in certain cases where, in the opinion of the board, the existing statutory provisions as to compensation are not sufficient to extend the right of compensation to owners that otherwise would not be entitled to recover.

Before this section was passed, under the Railway Act, an owner of property abutting on a street along which a railway track was constructed was entitled to no damage, there being no physical taking of his property. Under the amendment, in a proper case, the board may provide in its order dealing with the location of the track along the street, that compensation should be paid. In any event, in this case no action was taken by the board under the amendment, and the rights of property owners were not in any way dealt with under it. Instead of the matter being so considered, the question is covered by the agreement referred to. It is quite clear

that this agreement never contemplated the board in its discretion saying that it should or should not apply to certain property. The test of the railway company's liability must remain as to its own acts, under the general provisions of the Railway Act, and as to the legal acts of the corporation in carrying out its part of the agreement under the provisions of the Municipal Act.

Apart from negligence coupled with the proper legal authority under the Act, the question would seem to be entirely covered by the principles discussed in *re Medler and Arnott v. Toronto*, 4 C.R.C., page 13. There, as in this case, the city agreed to close a portion of a street; and in that instance the railway company agreed to pay any person whose lands were injuriously affected by any act of the city in the execution of the agreement, compensation.

In so far as property owners are concerned, their remedy therefore, would seem to be a remedy against the municipality recoverable by arbitration proceedings under the Municipal Act, the railway company being responsible to the city for the amount of compensation arrived at.

In so far as the railway construction, including subway work, is concerned, the railway company's responsibility is governed by the general clauses of the Railway Act.

The question, however, of whether the different matters done either by the corporation or the company and causing damages result in legal responsibility for damages recoverable under the appropriate section dealing with arbitration, or by action, is entirely one for the courts.

Assistant Chief Commissioner Scott concurred.

APPLICATION OF THE CANADIAN NORTHERN QUEBEC RAILWAY COMPANY, UNDER SECTIONS 222 AND 237, FOR AUTHORITY TO CONSTRUCT SIDINGS ACROSS STADACONA AND MARLBOROUGH STREETS IN HOCHELAGA WARD, MONTREAL, QUE.

Judgment, Mr. Commissioner McLEAN, February 12, 1915:—

The plan submitted shows provision for two track extensions of the yard facilities of the Canadian Northern Quebec Railway Company, these being by way of addition to their Moreau street yards. The additional trackage extends westerly from the point of connection with the existing tracks, such point of connection being north of Stadacona street. There are already shown nine tracks crossing Stadacona street. The sanction is asked for the crossings of Stadacona and Marlborough streets. The property upon which the tracks will be located, aside from that involved in the street crossings, is owned by the railway. The Moreau street yards, which are located west of Moreau street and north of St. Catherine street, provide facilities for some 40 cars. The tracks in this yard continue southerly to the northern side of St. Catherine street, where they take up the space between Moreau and Marlborough streets. Where they cross Robillard street, which is parallel to and north of St. Catherine street, there are thirteen tracks. It will be seen that the section east of Marlborough street, as defined, is used exclusively for railway purposes. The trackage involved in connection with the application of the Canadian Northern Quebec Railway Company to cross Stadacona and Marlborough streets will give, as checked, about twelve cars additional capacity.

Marlborough street, at the north end, has a gate which gives access on to the property of the Canadian Pacific Railway Company. It is not a through street at the north end. Stadacona street, at the west, is also a dead end street, the Canadian Pacific Railway Company's property being west thereof. On the north side of Stadacona street, all the property between the point where the proposed tracks will cross this street and the northeast corner of Stadacona and Marlborough streets, belongs to the applicant railway. The property on the east side of Marlborough street, from the corner of Marlborough and Stadacona streets north to the end of the street, is



## SESSIONAL PAPER No. 20c

also owned by the railway. On the west side of Marlborough street and north of Stadacona street, lot 112 is not owned by the railway. On the south side of Stadacona street lot 117, which is immediately west of the proposed trackage of the railway, as shown on the plan, this lot being bounded on the west by the Canadian Pacific property, is not owned by the railway. As to these lots, 112 and 117, it was stated by the railway that negotiations were being carried on by it with the property owners. No representation of any kind was made at the hearing by representatives of the owners of the lots in question.

The city of Montreal filed objections, which were further developed at the hearing, setting out (1) that the laying of these additional tracks on Stadacona and Marlborough streets would seriously inconvenience and interfere with the movement of traffic on these streets, it being stated, that the traffic is already seriously inconvenienced; (2) that the application, if granted, would very detrimentally effect the property belonging to private owners. It was stated that it was part of the plan of the railway to convert by piece-meal into a railway yard that portion of the territory of the city of Montreal between Moreau street, the Canadian Pacific Railway Company, and St. Catherine street. The city was of opinion that two additional tracks should be permitted to be laid across the streets in question, only when the railway had acquired definite title to all the property included in this section north of St. Catherine street.

Reference was made to certain property owners affected, it being stated that the following lots, which still were in private possession, would be detrimentally affected by the laying of additional tracks. The lots in question are 112, 116, 117, 125, 128, 129, 130, 136 and 139; all the lots from 129 to 145 in block 148. It was stated by the city that the railway company already owns about half the land between Marlborough street, the Canadian Pacific Railway Company, and St. Catherine street.

Lots 112 and 117 have already been referred to as being lots concerning which the railway was in negotiation with the owners. Lot 116 is south of Stadacona street, and is not shown on the plan as having any direct access thereto. Its access is by way of Beaufort street, which is a blind end street running south from the Canadian Pacific Railway Company's property to St. Catherine street and parallel to Marlborough street. Lots 124 and 125 are south of lots 117 and 116 respectively. They have no frontage on Stadacona street or direct means of access thereto, the access being from Robillard street, which is not a through street, and which is parallel to and south of Stadacona street. Lots 128, 129 and 130 have no frontage on Stadacona street, and have no direct access thereto. They are situated on the south side of Robillard street, in the section extending from the southwest corner of Seaver and Robillard streets to the southeast corner of Robillard and Marlborough streets. Lot 136 has no direct access to Stadacona street, and is located on the east side of Beaufort street. Lots 138 and 139 are located on St. Catherine street. The lots 145 to 129, in block 148, inclusive, are on the west side of Beaufort street, running from the north end of the street to where it connects with St. Catherine street on the south.

It will thus be seen that, aside from lots 112 and 117, there are not in the list of lots as given any lots facing on and having direct access to Stadacona street. Lot 130 has frontage on Marlborough street, one block south of the proposed point of crossing.

The issue as to the additional lots is raised by the city and was also raised at the hearing by Alderman Lapointe, who is a landowner in the section which has been defined. Another landowner, not resident within the defined section, also raised the question.

The laying out of railway facilities in a given section, while for the advantage of the general public, has a particular effect upon the value of adjoining property. This effect may be by way of depreciation of its value for residential purposes. It may

equally be by enhancing its value as a result of the demand for it for railway purposes in the limited area readily available for said purposes.

The section, on a portion of which the railway desires to construct the facilities necessitating the crossings asked for, is bounded on the north and west by the property of the Canadian Pacific Railway Company, on the east by the Moreau Street yard of the Canadian Northern Railway Company, the western boundary of this yard being the east side of Marlborough street, and on the south by St. Catherine street. In the section defined, there are the following structures: two small wooden sheds on lot 109; on the south side of lot 117, there is a portion of a wooden shed which extends south to the southern boundary of lot 124; on the south side of lot 124 there is also a wooden shed which extends westerly some distance into lot 125; on lot 126 there is a metal-covered building; on the west side of lot 127, there is a shed; at the eastern end of lot 139 there is a wooden shed; on lot 138 there is a building used as an hotel, and there is also a wooden shed.

While objection is taken to the crossing of the streets, the more fundamental objection on the part of the city is that in regard to the property owners. The nature of the traffic along the northern end of Marlborough street and along Stadacona street is already fixed. It cannot, in view of the situation as it is on the ground, be a vehicular and pedestrian traffic of importance. There are already nine tracks across Stadacona street; that is to say, Stadacona street is the throat of the Moreau street yard. Stadacona street has no local development in it which calls for traffic; and it is a blind end street being closed by the C.P.R. property at the west. Marlborough street north of the intersection of Stadacona street has no local development on it which calls for vehicular and pedestrian traffic.

The board has had before it the insufficiency of facilities in the Hochelaga yard. So far back as February 8, 1913, Evidence Volume 173, p. 1823, the Chief Commissioner used the following language: "Take the situation to-day, the Hochelaga yard is manifestly insufficient for the purposes of the business, and the companies frankly admit that."

In the course of the present hearing, Mr. Tilston, speaking for the Board of Trade, used the following language:

"Mr. TILSTON: Yes, sir. I would like to say a word, not as to the property feature, but as to the Canadian Northern terminal facilities in Montreal.

"This first came up as a result of the complaint of the Board of Trade. An investigation was made by the board of the Canadian Northern terminals, and the case was heard in this court house with Mr. Drayton presiding, when the Canadian Northern promised to acquire team tracks in this end of the town. The facts are that the Canadian Northern have very limited facilities for unloading carload traffic and when business is normal are holding out daily thirty cars. These additional facilities will give accommodation for twenty cars more, and I am sure that extra accommodation will be very greatly appreciated by the shippers as well as the merchants. As to the property rights in the matter I know nothing whatever."

The conditions which the board may impose in its orders must fall within the scope of its powers as laid down in the Railway Act. Where the board in granting permission to a railway to cross a street does this in the face of the protest of the municipality, it must be satisfied that the crossing is in the public interest. Section 237 of the Railway Act provides that the board may—

"grant such application upon such terms and conditions as to protection, safety, and convenience of the public as it may deem expedient—"

It is not empowered to affix as a condition of granting the crossing the acquisition of additional land. Not even in such a case as the present, where it is not denied by the

## SESSIONAL PAPER No. 20c

railway that additional land is being obtained by it in this section, looking to additional facilities to those involved in the present application. If the board cannot do this on the main application, should it by indirection, by refusing to grant the application, attempt to obtain the same result? If it is satisfied that the additional facilities as proposed are necessary in the public interest, is it justified in hampering the public by refusing to deal with the matter till a more comprehensive scheme is developed?

There is no question but that the additional facilities are needed. Under normal conditions, the railway has to hold out about thirty cars from the yard. It is in the public interest that the application should be granted.

Assistant Chief Commissioner Scott concurred.

Deputy Chief Commissioner NANTEL: I concur in the judgment of Commissioner McLean, being of the opinion that the commercial interests of Montreal demand an extension of terminal facilities by the Canadian Northern Quebec Railway Company. As to this fact, there can be no question.

The objection that appealed to me at the hearing was not so much the construction which is now proposed, or the extension of the present track over lot 117 and over lots 124 and 125 on the north side of Robillard street, but a possible extension over Robillard street through lots 126, 127, 136 and 137, and stopping just north of the hotel premises belonging to Alderman Lapointe. This is the construction that, according to the alderman, is contemplated, and he fears that his property will be greatly injured thereby. I find, however, that this construction cannot be made without the leave of the board, as Robillard street must be passed. The interests, therefore, of Alderman Lapointe and other property owners can be effectively considered should occasion arise on such application.

LACHINE, JACQUES CARTIER AND MAISONNEUVE RAILWAY COMPANY, CROSSING OF IBERVILLE, DE FLEURIMONT, POUPART, AND COMTE STREETS, MONTREAL.

Judgment Assistant Chief Commissioner SCOTT, February 13, 1915:

Some time ago the board authorized the construction of the line of the Lachine, Jacques-Cartier and Maisonneuve Railway through the eastern part of the city of Montreal. I believe the line, when constructed, is to be used by the Grand Trunk Railway Company as access to a number of industries in the eastern part of the city.

By Order No. 16181, dated March 26, 1912, the board authorized the railway company to cross Iberville and DeFleurimont streets; and by Order No. 17763, dated October 16, 1912, a detailed plan of a bridge to carry these two streets over the railway was approved. This plan shows a diversion in Iberville street so as to provide a crossing of the street over the railway at an acute angle.

Mr. John Molson, of the city of Montreal, has an interest in a large tract of land in the vicinity of the crossings in question. Counsel for Mr. Molson has appeared before the board and urged the importance of having a convenient method of access for getting from one side of the tracks of the railway to the other on the highways which run through the Molson property, and asked that no diversion in Iberville street be allowed.

Since the hearing, accompanied by the chief engineer and chief operating officer of the board, I have examined the location of the railway at the crossings in question. Iberville street, which runs in a northwesterly direction, is the most important of the streets in question. It has a car line on it to the southeast of the proposed crossing, and it is expected that the street car tracks will be continued on Iberville street to a point some distance northwest of the proposed crossing. The railway where it crosses Iberville street runs approximately east and west. The crossing is, therefore, on a skew. The grade of the railway is sufficiently below the grade of the street to



permit of the street being carried over the railway by bridge with practically no change in the grade of highway. The point at issue is whether the street should be diverted to cross over the railway at right angles to it; or, whether the highway should be carried in a straight line over the railway. The latter method is more expensive as it requires longer spans in the bridge and large abutments to support it. Our chief engineer reports that the cost of a bridge for a diverted highway—the plan of which was approved by Order No. 17793—would cost about \$16,500. The cost of a bridge 50 feet in width carrying the highway in a straight line over the railway, he suggests would cost about \$33,000. Bearing in mind the development of the territory and the importance which Iberville street is beginning to assume, I am of opinion that a bridge carrying the highway on a straight line over the railway should not be required by the board notwithstanding its previous order. It will be sufficient for the present at any rate that the bridge at Iberville street be 50 feet in width. By Order No. 7331, dated June 8, 1909, the Canadian Pacific Railway Company, pursuant to an agreement with the city of Montreal, was permitted to build a subway on Iberville street carrying the street under the tracks of the railway about a quarter of a mile southeast of the crossing now being considered. At that subway a width of 48 feet is all that is allowed. That being so, I think that 50 feet in width should be sufficient for the bridge in question. Of course a bridge of this nature can always be added to, so that additional width can be secured at a later date if necessary.

Having decided that Iberville street was not to be diverted, the best disposition of the De Fleurimont street crossing is to require that that street should not be diverted and should be carried over the railway tracks by a bridge. De Fleurimont street crosses Iberville street at right angles at the point where the railway is to pass underneath Iberville street. Therefore, the one bridge at Iberville street can be constructed so as to serve De Fleurimont street at the same time.

With reference to the crossing of Poupart and Comte streets, Mr. Mountain reports to the board as follows:—

"I do not think the application to close and divert Comte and Poupart streets is a proper one considering the amount of settlement in that vicinity at this time. For the present I would suggest that Comte street be left open. The width of the street is now 60 feet. It seems to me that a 40-foot bridge for vehicular and pedestrian traffic only would be sufficient. Poupart street to be diverted along the east side of the right of way into Comte street. This is not a very heavy diversion."

I think this would be a fair disposition to make of this matter; except that, it might be left optional with the railway company to build a bridge carrying Poupart street over the railway instead of diverting it to use the Comte street bridge, if it wished to save itself the expense of indemnifying the landowners who would be injured by the diversion of Poupart street. Of course if Poupart street is diverted the railway company would have to pay damages to those who will suffer by it.

Before any work is done, detail plans of the bridges in question would have to be submitted to the board for approval of its engineer.

An order may go accordingly.

Deputy Chief Commissioner Nantel and Commissioner McLean concur.

#### *Re* DISCONTINUING EMPLOYMENT OF STATION AGENTS.

Judgment, Chief Commissioner DRAYTON, February 15, 1915:

Applications have been made by the railway companies for authority to discontinue the employment of agents at a number of stations. By far the greater number of applications relate to stations west of Port Arthur. The companies claim that business to a

## SESSIONAL PAPER No. 20c

large extent has suddenly stopped; that former earnings no longer give any indication as to whether or not stations should be kept open; that, at any rate for the present, railway operations in the west are accompanied by conditions entirely different from those under which they were formerly carried on; and that the traffic, instead of being remunerative as in the past, has become unremunerative owing to the great declension of tonnage.

In view of the careful consideration only recently given to all rates west of Port Arthur, no raise in freight rates could be justified by the companies, nor should any be granted by the board. The only relief in operating conditions, therefore, that can well be granted is to aid the railways in operating as cheaply as they possibly can in a manner consistent with the public interest.

In so far as a decrease in earnings is concerned, there is no room for argument.

The gross earnings on the Canadian Northern Railway from the first of July, 1913, to the week ending January 14, 1914, amounted to \$14,092,400. For the corresponding period ending January 14, 1915, the gross earnings were \$10,410,900, showing a decrease of \$3,681,500, notwithstanding the fact that from July 1, 1913, to July 1, 1914, 549.2 extra miles of track had been opened for operation, and since 1914 some 285 more miles operated. The reduced gross earnings correspond with the decreased crop movement. The return made by the Department of Trade and Commerce, Census and Statistic Branch, shows that the cereal products for the year 1914 fell off as follows:—

Manitoba . . . . .	33%
Saskatchewan . . . . .	43%
Alberta . . . . .	22%

while the result to the producer, owing to the largely increased value of grain products, is not what the percentage would show, the railway company gets no more for handling wheat which may sell for \$1.50 than it does for wheat that might sell at 75 cents. The result is that railway companies of necessity feel the falling off in production much more than the other interests of the country.

The weekly figures of the Canadian Pacific Railway Company tell the same story.

Prior to 1900, the question as to when station agents should or should not be appointed in the prairie provinces was a very vexed one. New stations were being continually opened up. The railway companies desired to operate them without the expense of agents. Local boards of trade were continually demanding that, agents should be appointed. After a full investigation, the board, on the 6th of January, 1910, issued Order No. 9160, which provided among other matters, that, at all stations or shipping places from or to which the total freight and passenger earnings of the company for the last fiscal year amounted to not less than \$15,000, of which \$2,000 should represent inward traffic, a permanent agent should be appointed and continued, and that, at all non-agency points, where the business of the company consisted solely or principally of grain shipments, amounting to at least 50,000 bushels for the previous year, temporary grain agents should be appointed and continued during the grain shipping season, which was fixed from September 15 to December 31 in each year. These represented the minimum earnings which the board thought were necessary to be found before it could exercise its jurisdiction and compel the employment of agents in ordinary cases. It, of course, was always open to the railway companies, for purposes of competition or for the purposes of working up business, or for any other company reasons, to put in agents when such earnings were not enjoyed. None of these considerations could, however, move the board in making an order.

1. Lavoy, Alta. (C.N.R.).—The earnings at this station for the year ending December 31, 1914, amounted to \$9,341. There is no operating condition which would justify the board's ordering that an agent should be continued, as there is an agent on the west at Vegreville, only 9 miles away, and on the east at Ramperly, a distance of about 9 miles away. The returns, however, show that business, although small is mixed in character, there being a fair package business both in freight and express.

Under these circumstances, while I think an order should go relieving the company of the duty of retaining an agent, a caretaker should be appointed to look after these small freight shipments.

2. Chandler, Sask. (C.N.R.).—The earnings at this station for the twelve months ending September, 1914, including, therefore, a period when business was good, only amounted to \$5,392.83. The freight business largely consisted of the grain movement, which can be properly looked after by a grain agent. The earnings were never such as to require the appointment of an agent, who probably was appointed by the railway company owing to the fact that Midvale, a station on the Canadian Pacific line, is only 7 miles distant.

I think the order should be granted as asked.

3. Devlin, Ont. (C.N.R.).—Business at this station for the year ending November, 1914, amounted in all to \$9,532. The business is of a mixed character, and I therefore think that a term of the order allowing the agent to be discontinued (although the earnings are below the required amount), must call for the appointment of a caretaker.

4. Banning, Ont. (C.N.R.).—The earnings at this station for the 12 months ending September 30, 1914, only amounted to \$2,789.34. Under the board's order, no agent need have been appointed. The appointment was probably owing to competitive reasons, as Ignace, on the Canadian Pacific line, is only 10 miles distant, I think the order should go as asked.

5. Ladysmith, Man. (C.N.R.).—The earnings at this point for the year ending September 30, 1914, amounted to \$3,093.60. This station is 12 miles from McGregor on the Canadian Pacific railway, and perhaps affords a reason why the agent was originally appointed. The order should go as asked.

6. Homewood, Man. (C.N.R.).—The earnings for the year ending November, 1914, amounted to \$9,536.79. Although the earnings here are considerably less than those required by the board's order, there is a mixed business at this point of such a volume as to render it necessary that a caretaker should be appointed to look after the L. C. L. freight and perform other duties about the station, such as keeping it clean and warm for the arrival and departure of trains. The order should go subject to the stipulation that a caretaker be appointed.

7. Fairfax, Man. (C.N.R.).—This station has been remunerative, the earnings for the 12 months ending September 30, 1914, amounting to \$18,514.28. This of itself, of course, is no reason why, in view of the drop in business, which ordinarily one would expect to effect this station as well as others, the agent should not be discontinued; but on investigating the matter closely, the receipts at this station for the months of October and November showed an actual increase of \$204.77 over the corresponding months in 1913, instead of a decrease of some 30 per cent as might have been expected. The application should be dismissed.

8. Ridpath, Sask. (C.N.R.).—The earnings at this station are shown to be less than the amount required by the board's order. The station is but five miles away from Anglia on the Canadian Pacific. There is also an agent on the Canadian Northern line at Rosetown a distance of 7 miles to the east. Although the business is not such as to, under the present circumstances, demand an agent, a caretaker should be appointed as a term of the order.

9. Berton, Man. (C.N.R.).—The earnings at this point for 12 months ending September, 1914, amounted to \$10,656.15. These earnings are very largely derived from grain shipments which can properly be looked after by a grain agent when required. I think the order should go allowing the application.

10. Hawick, Alta. (C.N.R.).—The earnings at this station are small and much below the amount required. The agent probably was appointed for competitive reasons owing to the fact that Strathmore, on the Canadian Pacific line, is only 7 miles distant. An order should be made as asked.



## SESSIONAL PAPER No. 20c

11. Brunkild, Man. (C.N.R.).—The earnings at this station for the year ending November, 1914, amounted to \$10,350.80. The station is 10½ miles away from Osborne on the Canadian Pacific line; and on the Canadian Northern line to the west there is an agent at Sparling, 9 miles distant, and to the east at Sanford, some 8 miles away. Although the business done is comparatively small, the L.C.L. movement is of such a character as to require the installation of a caretaker as a term of the order, which, I think, with that condition, should be granted.

12. Beaver, Man. (C.N.R.).—The total earnings at this station for the year ending September, 1914, amounted to \$8,752.28. The greater part of this business consists of wheat shipments, which can be looked after by the grain agent. An order allowing the application should go.

13. Minburn, Alta. (C.N.R.).—The earnings for the year ending December, 1914, amounted to \$15,621. The company, however, insists that the station agent should be discontinued on the ground that the later months in the period show a very large shrinkage from the previous business. For example: Earnings for October, November, and December, 1913, were \$12,182, and for the same months in 1914, \$6,997, or a decrease of \$5,185. At a time like the present, I am not at all prepared to say that stations where more than \$15,000 is being earned should have an agent, if practically the whole of the business is represented by the grain shipment, which can be satisfactorily handled by a grain agent; but in this case the figures show a relatively large local freight business. The inward freight business is relatively large, made up principally of L.C.L. shipments, and some package freight outgoing. The L.C.L. and package freight business is just that sort of business which requires the service of an agent to properly look after it. The application should be dismissed.

14. Woodnorth, Man. (C.N.R.).—A good business is being done at this point. The year's business ending November, 1914, shows a total of \$17,783. The company, however, points out that, from the indications, this amount will not be earned in the current year, as the freight and passenger earnings for October and November, 1914, fell off from \$6,980 to \$4,501, a decrease for the two months only of \$2,479. The force of this comparison, however, is lost when it is borne in mind that the lesser earnings form part of the present total of \$17,783. If the annual statement is antedated and made to end, for example, on September 30, 1914, the earnings then amount to \$21,457.72. Under such circumstances, the application, on the present material at any rate, must be dismissed.

15. Decker, Man. (C.N.R.).—The earnings in this case amount to \$18,939.75. While the earnings are probably falling off as alleged, there is a good deal of L.C.L. express, and passenger business. The application should be dismissed.

16. Rosebank, Man. (C.N.R.).—This is a station that has made good earnings, and if the year's business was computed as ending September, 1914, sufficient earnings would still be shown, as the earnings would then amount to \$16,725. This station, however, is one where the drop in business has been both material and sudden, as was the decrease in the months of September, October and November, 1914, from the business of the same three months of 1913, which was no less than \$8,400, the earnings for this period in 1914 (which was ordinarily the poor period) being but \$4,108 as against \$12,508 for the former year. Under the circumstances, the agent may be discontinued; but a caretaker to look after the receipt of freight and L.C.L. traffic existing at this point must be appointed.

17. Underhill, Man. (C.N.R.).—The total business done at this station for the year ending December, 1914, amounted to \$13,406.11. The business here is very largely grain, as of this total no less than \$10,335 consisted of carload shipments out, which would be practically all grain. While the facts are as stated, the former business at this point requires the public to be inconvenienced by a caretaker, and a caretaker must be appointed.

6 GEORGE V, A. 1916

18. Willmar, Sask. (C.N.R.).—The business here for the year ending November, 1914, amounted to \$24,128. The company points out that there has been a decrease between the months of October and November, 1913, and October and November, 1914, of \$3,451. I think the application here is premature. I have no doubt business will be somewhat less, but there is a considerable margin to come and go on. The company itself only wants to discontinue the agent until April 1, showing that it expects the business to be such as to demand the services of an agent except for the winter months. I would, therefore, dismiss the application.

19. Pinkham, Sask. (C.N.R.).—The earnings for the 12 months, ending September 30, 1914, were \$21,986.28. Undoubtedly they are dropping off; but no figures have been supplied that would show that, even with the general declension of business, the application should be granted. I would, therefore, dismiss it.

20. St. Gregor, Sask. (C.N.R.).—The earnings at this station for the year ending December, 1914, amounted to \$15,373, \$8,803 of which was carload traffic. The station has been a good earner in the past, but the drop in business for the last three months (the poor months of the year), is somewhat large, the earnings for this period of 1913 being \$12,172, while for the same period of 1914, \$5,014, a decrease of \$7,158. Under the circumstances, and in view of existing railway conditions in the west, I think an order may go permitting the discontinuance of the agent, but only on the understanding that a caretaker be appointed.

21. Waseca, Sask. (C.N.R.).—The earnings at this point for the year ending November, 1914, amounted to \$21,745. There is a large outward earning at this station of L.C.L. Shipments with a reasonably large passenger business. The application should be dismissed.

22. Weldon, Sask. (C.N.R.).—This station has been another good earning point, the earnings for the 12 months ending September 30, 1914, being \$23,560.72. No specific figures have been submitted by the company showing losses in the later months, and the percentage of general declension in business would still leave this station with sufficiently large earnings to justify the retention of an agent. I would dismiss the application. Our inspector's report shows total earnings for October, November, and December to amount to \$5,244.00.

23. Sleemans, Ont. (C.N.R.).—The earnings in this case for the year ending September 30, 1914, were good. The business undoubtedly has fallen off; but while the business is dropping, the station is one of very mixed activities. Revenue is derived from shipments of cordwood, pulpwood, and cedar. In the month of September last 43 cars were shipped, and up to January 2, 101 cars. Investigation shows that there is something like 300 cars of pulpwood to be handled. Besides this, there is a fair amount of passenger business and inward freight in L.C.L. lots. An agent is necessary and the application should be dismissed.

24. Cardale, Man. (C.N.R.).—The earnings here have been good. The company itself thinks that the only period during which it could get along without an agent would be until April 1 next. Under such circumstances, the application should be dismissed.

25. Beadle, Sask. (C.N.R.).—The earnings in this case for the year ending November, 1914, were \$22,931.14. The case is "on all fours" with that of Cardale. The application should be dismissed.

26. Neelin, Man. (C.N.R.).—Taking the earnings at this station for the better period, that is for the year ending September 30, 1914, the effect of which is to include in the period considered the high earning months of October, November, and December, 1913, the earnings at this station are nevertheless less than the minimum of \$15,000 required in ordinary cases. There has, nevertheless, been a fair business. There is a fair amount of inward freight and also outward local freight,—quite sufficient business to demand the appointment of a caretaker. This station is but 8½ miles away from Holmfild on the Canadian Pacific line, and the earnings for the

## SESSIONAL PAPER No. 20c

last year have been (if taken down to December), only \$12,087.09. The order should be made subject to the appointment of a caretaker.

27. St. Laurent, Man. (C.N.R.)—So far as the earnings at this station are concerned, they are insufficient of themselves to require the retention of the agent. A large amount of the traffic is entirely local. There is also some traffic in frozen fish. The greatest difficulty in closing the station, however, is that, if the agent is taken away, the nearest point on the Canadian Northern where an agent is to be found to the west is 50 miles distant. This station is only 8 miles from Meadows on the Canadian Pacific, and it may be that an agent could be much more profitably employed at some other point on the Canadian Northern line; but as matters now stand, the application should be dismissed.

28. Warren, Man. (C.N.R.)—The earnings at this point for the year ending September 30, 1914, only amounted to \$9,117.26. Although the business is not large, it is steady month in and month out. The carload movement is relatively small and the L.C.L. movement relatively large. While not large enough to justify the company being put to the expense of an agent, a caretaker should be appointed, and the order allowing the application should be on such terms.

29. Norquay, Man. (C.N.R.)—The earnings for the twelve-month period ending September 30, 1914, amounted to \$21,632.30. It is true that for the period ending November of the same year they had fallen off to \$18,359. The December figures, I have not on file. This is a mixed farming district, so that the grain shipments are relatively much less than at other points, business is more broken in character, and there is more work for an agent to do. In view of the fact that the business is of the character I mention, and that the next agent on the west at Priceville is 27 miles away, I think the application should be refused.

30. Mafeking, Man. (C.N.R.)—The earnings for the year ending September 30, 1914, amounted to \$21,154.29. The revenue in this case does not seem to be falling off very materially, probably owing to the fact that a large part of the movement consists of frozen fish. No grain moves from this point, and the company only has three open stations at present between Swan River and Hudson Bay Junction, a distance of 103 miles. The retention of an agent at this point will work no hardship. The earnings for October, November, and December last, when the effect of the depression would be felt, amounted to \$3,420.

31. D'Arcy, Sask. (C.N.R.)—Conditions seem to be reversed at this station. The earnings for the year ending September 30, 1914, amounted to \$28,876.24. Instead, however, of finding a decrease on taking the 12-month period back from November of this year, that period shows on the contrary a business of \$36,596.24. Not only is the business large, but there is also a large amount of L.C.L. shipments both in forwarded and received freight, and a large amount of passenger business. The application should be refused.

32. Delmas, Sask. (C.N.R.)—I do not know why this application was made. The earnings do not justify the employment of an agent under the terms of the general order and, apparently, from the board's report, no agent was appointed. The company now has a caretaker at the station who appears to be handling the business perfectly satisfactorily. As there is no agent, no order need be made on the application.

33. Brooking, Sask. (C.N.R.)—The earnings for the year, ending November, 1914, amounted to \$17,012. The company points out that, in the business of the last three months, there has been a falling off of \$2,113. This comparison, however, loses much force when it is remembered that the \$17,000 total includes two of the poor months. From a consideration of the business and figures as submitted, it does not appear that a case has at present been made out for the removal of the agent.

34. Mikado, Sask. (C.N.R.)—The earnings at this station for the year ending September 30, 1914, amounted to \$19,053.29. While the business has fallen off, as



6 GEORGE V, A. 1916

evidenced by the fact that the business of the year, taken down to November instead of September, only amounted to \$16,561.62, I nevertheless think that, from the information as to the business supplied, the application should be refused.

35. Purple Springs, Alta. (C.P.R.).—The earnings at this point for the year ending December 31, 1914, amounted to \$12,186.07. There is no question but what the earnings have fallen short of the board's requirements. On the other hand, the business is sufficient to warrant the employment of a caretaker.

36. Tilley, Alta. (C.P.R.).—The earnings at this point were good; but the railway activities were largely the result of construction work on the railway's erection system. This construction has ceased and business has dropped off so materially as to render it impossible for the board to order the continuance of an agent.

37. Beverly, Sask. (C.P.R.).—The total earnings at this station for the year ending December 1, 1914, only amounted to \$8,644. The falling off of business at this point has been very great, as the station at one time was a good earner. The business, which is now being carried on, is of a mixed character; and while the earnings are much below the requirements of the board's order, a caretaker should be appointed.

Assistant Chief Commissioner Scott concurred.

COMPLAINT OF THE COWICHAN RATEPAYERS' ASSOCIATION AND OTHERS AGAINST THE RATES CHARGED ON GRAIN AND MILL FEEDS FROM ALBERTA POINTS TO POINTS IN THE COWICHAN DISTRICT, B.C.

Judgment, Chief Commissioner DRAYTON, February 15, 1915:

The application was heard at the sittings of the board held June 8, 1914, at Victoria, B.C.

At the hearing the application was urged by Mr. W. Patterson, who appeared for the Cowichan Creamery Association, which he stated consisted of an association of 180 farmers having their place of business at Duncan. The association are large buyers of grain, as the area of cultivated land in the locality is limited, although it is entirely agricultural.

Taking Calgary as the illustrative shipping point, the rate on imported feed to Duncan, Mr. Patterson showed to be \$8 a ton, as against \$7 a ton for delivery at Victoria, Ladysmith, Cassidy's Crossing and Nanaimo, and the request was made that an equal rate should be made to points on Vancouver Island between Nanaimo and Victoria. The ground on which the request is based is that as the whole length of railway between Victoria and Nanaimo is but 70 miles, that a difference of \$1 a ton in that short distance is unfair.

At the time of the hearing the local rail movement was from Ladysmith to Duncan, the rate to Ladysmith being as stated \$7, which included the rail haul from Alberta and the water service, the additional rate charged working out the extra dollar being 5 cents per 100 lbs. from Ladysmith to Duncan.

The Railway Company's answer to the application not being ready, opportunity was given them to file a written reply. The company's defence was filed on July 2, 1914; it is as follows:—

"In accordance with the understanding reached at the hearing of this matter at Victoria on 8th ultimo, our traffic officials have gone into it further, and I am now in receipt of their report.

"Grain from Alberta to points on the E. & N. Railway is transferred from Vancouver by barge, for which landings are provided at Esquimalt near Victoria, Ladysmith and Nanaimo. There is also direct boat service between Vancouver and Victoria and Nanaimo.

"Taking Calgary as a shipping point the rates to these landing points are 35 cents per 100 lbs. (Tariff C.R.C. W-1686). The same rate applies to Cassidy's.

## SESSIONAL PAPER No. 20c

a point between Ladysmith and Nanaimo 6.3 miles from the former and 7.8 miles from the latter place. In view of its proximity to these landing points the rates to Cassidy's could hardly be made to exceed those to Nanaimo and Ladysmith.

"Places intermediate to Victoria and Ladysmith are subject to a rate of 40 cents per 100 lbs., the difference covering the service from the barge to the rail, the rail haul and extra incidental services.

"The distance from Calgary to Vancouver is 646.1 miles and the rate allowed by the board in its recent decision in the Western Freight Rates Case for this distance is  $33\frac{1}{2}$  cents per 100 lbs. Therefore the rate for the additional barge service and E. & N. haul is  $6\frac{1}{2}$  cents per 100 lbs. over the Vancouver rate. Of this additional rate  $2\frac{1}{2}$  cents is credited to the barge haul and 4 cents to the E & N. Railway.

"The mileage from Ladysmith to Duncan is 18.7 miles and to Cowichan 22.9 miles. For these distances the rates allowed by the board in its recent decision (See Volume 200, page 70) are 6 cents and 8 cents respectively, as compared with the 4 cents E. & N. proportion of the rate now in question.

"The barge landing at Nanaimo is rarely used owing to difficulties in getting cars from sea to rail level, as the intervening rails are the property of the coal company. At Ladysmith the intervening rails are also the property of the coal company, but under contract with the latter a charge of 50 cents per car has been arranged which is paid out of the E. & N. Railway proportion.

"The distance from Esquimalt to the points in question is greater than that from Ladysmith and therefore I need not deal with it.

"Under these circumstances I submit that the complaint should be dismissed.

"As directed by the board I have sent a copy of this letter to the secretary of the Cowichan Ratepayers' Association."

The reply of the Ratepayers' Association to the railway Company's submissions was received by the board on July 20. It is as follows:

"With reference to previous correspondence, I beg to inform you that I have received from the Law Department of the Canadian Pacific Railway Company a copy of a letter (No. 10459 of July 2) addressed to the Board of Railway Commissioners in connection with the complaint of my association and others against the rate charged on grain and mill feeds from inland points to points in the Cowichan district. With regard to this letter I beg to submit the following remarks for the consideration of the Railway Board.

(1) C.P.R. Letter, Paragraph No. 2:

Whereas it is stated that landings are provided at Esquimalt near Victoria, Ladysmith, and Nanaimo, for grain shipped from Alberta to points on the E. & N. Railway, the fact is established in the latter portion of the letter that practically all grain is landed by barge via Ladysmith. The reference to boat service would suggest the possibility of competition in the shipping of cars. Under present circumstances such competition is non-existent.

(2) C. P. R. Letter, Paragraph 3:

It is stated that owing to the proximity of Cassidy's to Ladysmith and Nanaimo, the rates to Cassidy's could hardly be made to exceed those to the latter two points. I would point out that while Cassidy's is an inland point, the 40-cent rate is made to apply to Chemainus which is precisely the same distance from Ladysmith and is moreover a port with water connection.

(3) C.P.R. Letter, Paragraph 4:

Justification for the extra 5 cents is claimed in respect to services from barge to rail and rail haul. It is admitted in the latter portion of the C.P.R.'s

6 GEORGE V, A. 1916

letter that the barge landing at Nanaimo is rarely used, and it is difficult to see why the charge for these services is applied to cars destined for Chemainus and Duncan distanced, respectively 6.3 and 18.7 miles from the landing point at Ladysmith, but is not applied in the case of cars destined for Nanaimo, Cassidy's and Victoria, distanced respectively 14.1, 6.3 and 59 miles from the same landing point.

Duncans, which is the centre of a large agricultural community and is served entirely by the E. & W. Railway, is the distributing point for the whole district covered by your petitioners, and consumes more cars of wheat and feed stuffs than any other centre on the island with the exception of Victoria.

Grain delivered at all points between Ladysmith and Victoria (59 miles) is surcharged \$1 per ton over the rate applicable at Victoria and equally applicable at those points on the 14 mile haul Ladysmith to Nanaimo.

Your petitioners therefore submit that an unfair discrimination is shown in that the merchants located in the first named area are handicapped in the selling of grain, and that the farmers and consumers of feed stuffs are consequently subjected to an unfair increase of cost in production compared with their neighbours who are within touch of the points referred to.

Your petitioners respectfully submit that irrespective of questions affecting rates fixed by the board our claim for the removal of such an anomaly is well founded and we trust that the board will give it the fullest consideration."

The question has been held by the board under advisement for some considerable time with the view of working out, if possible, some rate basis which might assist the applicants and be fair to the carrier.

However, on going into the question from every possible standpoint the case is not one in which any relief can be granted. The underlying principle which affects the whole rate structure of the island is that of water competition. The movement from Vancouver to Ladysmith or Esquimalt is one of the most strongly competitive in the Dominion. The distance to Ladysmith is 48½ statute miles. The authorized maximum rate for water competition is 11 cents. The local competitive rate is 10 cents exclusive of marine insurance, and the arbitrary from Vancouver added on this through traffic from Vancouver to Ladysmith is only 2½ cents, including marine insurance. In the benefit of this reduced cost the complainants, with all other consignees on the island, participate.

The service from Vancouver to Ladysmith consists of ferrying the cars themselves, and is comparable with the similar service within the limits of New York harbour, where, although the tonnage moved very greatly exceeds the movement in question, the ordinary rate is 3 cents; and may also be compared with the ferry operated by the Government across the Straits of Canso, a distance of approximately one mile, with a charge of 1½ cents. There can, therefore, be no question but that the arbitrary water rate to Ladysmith is reasonable. On the island the rail haul from Ladysmith to Duncan is 19 miles, to Cowichan 23 miles. It is impossible to say that this added service should be done for nothing, or that a 5-cent rate is excessive; on the other hand it is reasonable, and is in fact, a lower rate than many other rates which are to-day in effect and which could be easily illustrated. This 5-cent rate is a flat rate and is not based upon mileage, with the result that the consignee at Duncan pays the same rate as the consignee at Cowichan and at other points along the 70-mile stretch referred to by Mr. Patterson, but the reason for the blanketing of the rate is obvious; Ladysmith is not the only port available, traffic can just as well be barged to Esquimalt, and as a matter of fact there are other ports which could be made available. It should also be noted that traffic to-day is barged to Esquimalt. This owing to the fact that both the "gridiron" and the connecting spur at Ladysmith belong to the Canadian Northern or affiliated interests. Under the application of a



## SESSIONAL PAPER No. 20c

strict mileage basis Duncan is somewhat farther from Esquimalt than it is from Ladysmith but the blanket rate of 5 cents, however, properly covers the situation.

The earnings of the railway on the island are low. Traffic fell off 45 per cent last March, 30 per cent in April, and 50 per cent in May. As matters now stand it is doubtful whether any adequate return is being earned by the carrier, so that no reduction can be made unless that reduction is necessary on the grounds of discrimination.

On the question of discrimination, Chemainus, which is cited as a point taking a \$7 rate, is a port, and shipments could easily be made to it by water. If, as a matter of fact, the \$7 rate applies to any point which is not on the water front with real or potential facilities (and with the exception of the unimportant Cassidy's crossing so far I have discovered none), so that there may be no discrimination between such a point and Duncan, addition should be made in the rate to bring it up to the rate charged to Duncan.

While the matter was still under consideration another complaint was made by the Cowichan Creamery Association by letter of December 29, received January 6 last. The association pointed out that the former rate on eggs to Victoria of 21 cents had been raised to 28 cents per 100 lbs. (reduced to 27 cents as in excess of the amount chargeable from Nanaimo to Victoria); and hay (L.C.L.) to Victoria 22 cents per 100 lbs., while the rate from Victoria to Duncan was 18 cents. This complaint has been taken up with the railway company, and after full investigation I am of the view that the increases made effective September 1, 1914, were not justified, and must be reduced, and further, that proper tariffs must issue to correct anomalies now existing as exemplified by the rates on produce in and out of Duncan. Intimation has already been given the railway company that these changes must be made, and as I understand a corrected tariff is being prepared no order need issue to-day. However, an order will issue unless these anomalies are removed at an early date.

Commissioner Goodeve concurred.

APPLICATION OF RIGHT REVEREND E. GROUARD, O.M.I., D.D., VICARIATE OF ATHABASCA, AND ASSISTANT VICARIATES OF ATHABASCA AND MCKENZIE, FOR AN ORDER DIRECTING THE RAILWAY COMPANIES TO GIVE THEM SETTLERS' RATES ON THEIR SHIPMENTS FROM EASTERN CANADA.

Judgment Chief Commissioner DRAYTON, February 16, 1915:

It is not very many years ago since the jobbers and wholesalers of westerly distributing points objected to the fact that settlers were in the habit of getting in new goods and general supplies at the special rates given by the railway company for the *bona fide* second-hand effects of the settler from the east.

The position taken by the jobber was that, under the guise of the settlers' effects rates, new goods were being brought into the country entering into competition with the jobbers and wholesalers at a freight rate less than they themselves could enjoy; and that, as a result, the different towns of Western Canada, which were entitled to a certain area of distribution, were being deprived of their rights. As a result, the present classification as to settlers' effects is strictly enforced.

General goods cannot be carried; but the rate only applies to the actual possessions of persons moving from the east to the west with a view of living there to the extent that the exceptional rate applies as set out in Mr. Hardwell's report.

It would seem to me that missionaries leaving the east with a view of *bona fide* settling in the west, as the petition shows, fall within the general description of settlers, and would be entitled to take second-hand household goods and personal effects, and second-hand implements and farm vehicles, livestock, and, generally, all the different articles which the *bona fide* settler gets a special rate on, as contained in Mr. Hardwell's report.

6 GEORGE V, A. 1916

This, apparently, does not go as far as the petitions of the Reverend Fathers Falher and Lefebvre, bursars for the vicariates of Athabasca and McKenzie, require. They, apparently, are desirous of getting in each year their new supplies, provisions, agricultural implements, etc., under the settlers' rate. This is something no settler is entitled to do and is not covered by any existing tariff.

The case, therefore, is not one in which the board can make an order, notwithstanding the excellent objects of the institutions, which are entirely eleemosynary.

Deputy Chief Commissioner Nantel concurred.

COMPLAINTS OF THE BOARD OF TRADE, PICTON, ONTARIO, AND THE COUNTY OF PRINCE EDWARD, ONTARIO, RE TRAIN AND MAIL SERVICE ON THE LINE OF THE CANADIAN NORTHERN ONTARIO RAILWAY.

Judgment Chief Commissioner DRAYTON, February 19, 1915:

A resolution was passed by the County Council of the County of Prince Edward protesting against changes which the Canadian Northern Ontario Railway Company had made in its running timetable. The matter has been investigated and can now be dealt with.

The Canadian Northern, by its timetable effective December 14, 1914, started its morning train No. 12 out of Toronto at 10.20 a.m. instead of 8.20 a.m. The train, therefore, does not reach Trenton until 1.30 p.m. instead of 11.30 a.m. as formerly.

The connection that the county council is interested in is the Picton connection, operated by the same railway company. The former train left Trenton for Picton at 11.55 a.m. In view of the changed time of the Toronto train, the train now leaves at 1.35 p.m., or one hour and forty-five minutes later.

The morning mail is carried on the Grand Trunk train from the west arriving on train at 10.46 a.m. It was formerly taken to Picton on the 11.55 a.m. train, but now, of course, has to be taken by the later train leaving at 1.35 p.m. Under the old train service, the morning mail would arrive at 1.05 p.m., and now arrives at 2.45 p.m., or one hour and forty minutes later. It does not appear, however, that the more important mail service is interfered with at all. The heavy mail would appear to be carried on the Grand Trunk night train arriving in Trenton at midnight. The night mail from the east arrives at Trenton at 2.34 a.m.; and the train of the Canadian Northern leaving at 7.20 a.m., arriving at Picton at 8.30 a.m., therefore provides for mail arriving from both the east and west. There may, of course, be mail from some points picked up on the morning train, and although relatively unimportant to the larger movement, the company has been asked to justify why the change has been made.

The company points out that the Canadian Pacific runs morning trains out of Toronto at 9 and 9.20, and the Grand Trunk at 9 o'clock; and that, running a train on their line at 10.20 instead of 8.20 is a convenience to the travelling public, as it enables a connection to be made at the East Don with a train from the north (from Orillia and other intermediate points), and in addition enables passengers arriving in Toronto on the Grand Trunk 10.05 train to proceed east without delay.

Under all the circumstances, public convenience does not demand an order restoring the former timetable.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

NAPANEE AND DESERONTO TRAIN SERVICE.

Judgment, Chief Commissioner DRAYTON, February 19, 1915:

A complaint was made by the Deseronto Board of Trade in March, 1914, that the Bay of Quinte Railway (a railway now controlled by the Canadian Northern

## SESSIONAL PAPER No. 20c

Railway Company, and hereinafter referred to as "the Canadian Northern"), discontinued its connection with the Grand Trunk night express from east and west at Napanee, causing inconvenience to the travelling public and delays to mails and express. This connection was one of some thirty years' standing.

The board immediately took up the question with the railway company. The company showed that, on an average, the trains in question carried but two or three passengers; and that, owing to the additional fact that the Canadian Northern was running a through train service itself from Toronto, the company was amply justified in discontinuing the service.

The board directed that the service should be reinstated until the whole question could be looked into and consideration given to the effect of the change which would be brought about in the local situation by the completion and operation of the Canadian Northern line from Toronto to Ottawa.

In October, 1914, the Canadian Northern Railway Company's Ottawa-Toronto line being in operation, the particular connection in question with the Grand Trunk was stopped, the Canadian Northern naturally desiring to obtain the benefit of whatever through business there might be.

A complaint was then made by the town of Deseronto, stating that:—

"Until about a year ago, the service performed by the Canadian Northern Railway was satisfactory; but since then it has not been so satisfactory, and on Monday last a new timetable was put in effect completely cutting us off from Grand Trunk connections unless by waiting at Napanee for some hours, except in two cases, when, if the trains are on time, a connection is made."

The complaint also pointed out that, in giving this service, the railway company had acted under the agreement made with the municipality, and a copy of the agreement was forwarded.

The agreement in question is dated December 19, 1881, and is between the Bay of Quinte Railway Company and the village of Deseronto (now the town of Deseronto).

Under the agreement, the railway company was to operate the railway for the carriage of passengers and freight between the Grand Trunk Railway of Canada and the village of Deseronto as fully and effectually as the business in and out of Deseronto, in the judgment of the railway company, would warrant or sustain; and that no greater rate than 25 cents should be charged any passenger each way over the railway.

The agreement seems to be entirely against the municipality instead of one applying for its benefit. The whole effect of it seems to be that the service is merely to be that kind of service which, in the judgment of the railway company, is warranted; so that the whole question of service is left in the hands of the railway company. The question, however, should not be so considered at all, but should be considered merely from the standpoint as to what service, having regard to the demands of traffic, the railway company, in the public interest, should be called upon by this board to maintain.

The question of railway connection was investigated by an officer of the board, from whose investigation it is apparent that connections at Napanee between the Canadian Northern train No. 12 and the Grand Trunk train No. 14 had been frequently missed. So as to improve the service and connection, the Canadian Northern undertook that its train No. 12 should arrive at Napanee at 12.35 p.m. instead of 12.40. The Grand Trunk train No. 14 being due to arrive at Napanee at 12.46 p.m. It was thought this would afford ample time in which to make the transfer. The connection, however, even under the new arrangement, not being entirely satisfactory (and sometimes missed), under the later timetable, the Canadian Northern train now arrives at Napanee at 11.20 a.m. This is a decided improvement on the



service, as it enables connection to be made not only with the Grand Trunk express, but also with the Grand Trunk local leaving Napanee at 11.49.

The railway company also undertook that eastbound train No. 74 would make connections at Napanee with Grand Trunk eastbound No. 32. The effect of this was to give the people from Deseronto a local train service on the Grand Trunk as far east as Brockville, and afforded them a connection which previously did not exist.

A copy of the report was sent the complainants, who subsequently advised the board that the Canadian Northern had made the situation worse than ever by cutting off entirely the train leaving Deseronto (for Toronto), about 6 a.m., and the train arriving at Deseronto (from Toronto), at about 9.30 p.m. with the result that the town was left with only two trains going west on the main line, one at 3.10 a.m., which was frequently useless, and the other at 4.40 in the afternoon; and only two trains going east, one at 12.25 p.m., and the other at 3.10 a.m.

The case was set down for hearing at the sitting of the board held in Toronto on the 11th of December, 1914.

At the hearing, the position taken by the Company was that the service given was everything that traffic could possibly demand, and as a matter of fact was a much better service than the old Bay of Quinte had ever given Napanee or Deseronto, owing to the fact of the eastern and western connections given by the Canadian Northern to Toronto and Ottawa.

The company also showed, in so far as the Grand Trunk connection for Montreal was concerned, which was a connection particularly insisted upon by the town that, the Canadian Northern train leaving Deseronto at 7.15 in the morning arrived at Napanee at 7.35. The first Grand Trunk train leaving this point for the east is the local for Kingston, Gananoque, and Brockville, which leaves eight minutes after, or at 7.43 a.m., the next train being the day express to Montreal, is scheduled to leave Napanee at 12.46 p.m. This same train would also make connections, although not very satisfactory, with Grand Trunk westerly points as the Grand Trunk local train for Toronto leaves Napanee at 10.27 a.m. The next train that the company relied on as giving efficient service was their 11.05 a.m. train arriving at Napanee at 11.20, which has been already referred to. The next train to Napanee leaves Deseronto at 2.30 p.m. arriving at Napanee at 2.45 p.m. This train does not seem to serve any Grand Trunk connection. The fourth and last train leaves Deseronto at 3.10 in the morning, arriving in Napanee at 3.25. This, again, does not make any Grand Trunk connection, and is the night train for Ottawa.

At the hearing, the municipality had not a schedule prepared which they would like adopted, but stated that they were most anxious to have a train leaving Deseronto in the evening about six and arriving about eight, so that people coming in from the west, leaving Toronto at two, and those coming from Brockville and the east could make close connections with Deseronto.

No estimate at all was given as to the number of people likely to be accommodated; but, on the other hand, the railway company claimed that the earnings of some of the trains were as low as eight cents per train mile.

Judgment was reserved for the purpose of considering the train schedule and of checking the earnings.

The chief operating officer of the board, who checked the train receipts, now reports that, when the transfer trains were run between Deseronto and Napanee, the train making the midnight trip earned 8 cents per mile on an average for the period of nine months from September, 1913, to May, 1914; and the train making the evening trips earned 17 cents and 15 cents per train mile. These earnings, of course, are abnormally low; but while they represent the whole of the passenger earnings, undoubtedly earnings were obtained from freight handled on the same train by the company. The operating officer, however, further reports that, for some time past, there has not been sufficient business to warrant a freight movement between Deseronto

## SESSIONAL PAPER No. 20c

and Napanee, and that the passenger traffic has dropped off to a very small amount.

The actual cost of giving a passenger service between Deseronto and Napanee would approximate 80 cents per train mile, not including any allowance for overhead charges.

Under the circumstances, it is impossible to make any order, but although the business has dropped off very materially, and the earnings are extremely low, the present service must not be further reduced.

Commissioner McLean concurred.

APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY TO CARRY TWO ADDITIONAL TRACKS  
ACROSS GREENE AVENUE, IN THE CITY OF WESTMOUNT.

Judgment Assistant Chief Commissioner SCOTT, February 19, 1915:

The Canadian Pacific Railway Company has two tracks leading to its Windsor street station, which are carried over Greene avenue by a bridge. To increase its facilities the company desires to lay two more tracks; one each side of the existing tracks. Where the tracks cross Greene avenue the distance will be 13 feet from the centre of the existing northerly track to the centre of the new track which the company desires to construct on the north.

Prospect street parallels the railway and runs into Greene avenue at right angles just north of the railway company's bridge over Greene avenue.

The two new tracks which the company desires to construct will be laid upon its own property, with the exception of a small triangular piece of land at the southeast corner of Greene avenue and Prospect street. This strip of land at its widest point is 12 feet, and its length from Greene avenue to where it runs out at the company's property is 86 feet 9 inches. The triangular piece of property which the company desires to acquire is not a part of Prospect street, but it is a portion of a flower bed dedicated for park purposes and now owned by the city of Westmount. On the other side of Prospect street from the Canadian Pacific Railway property and the flower bed, a distance of about 100 feet from the northeast corner of Greene avenue and Prospect street, is the residence of Mr. Mann. He protested very strongly to the board that the granting of the railway company's application would be the cause of much damage to his property. A similar position was taken by the owners of the two residences immediately adjoining Mr. Mann's property on the east.

Counsel who appeared for the land owners contended that under section 235 of the Railway Act as amended by section 6 of chapter 22 of the Statutes of 1911, the board had power to make it a condition of the granting of the railway company's application that it should compensate the land owners for the damage they will suffer by having an additional track 13 feet nearer their property than the nearest existing track. The language of the section in question, as amended, reads as follows:—

“Subject to the company making such compensation to adjacent or abutting land owners as the board deems proper the railway of the company may be carried upon along or across an existing highway, upon leave therefor having been first obtained from the board, etc.”

In addition to hearing the evidence and argument at the sittings of the board in Montreal, I visited the property in question and examined the proposed location of the new track on the ground. The new tracks will not be carried along Prospect street at all. The damage which the land owners claim they will suffer will they say be from smoke, noise, and vibration from trains on the new track on the railway company's property on the opposite side of Prospect street. This may, or may not, be a cause of damage to the land owners. If it is a cause of damage, it is not such damage

as this board has power to redress. If the railway ran along Prospect street and used part of the street as its railway, the objector's claim would of course be much stronger.

In Fort William the Grand Trunk Pacific Railway Company applied to the board to be allowed to carry its tracks along Hardisty street in that city for several blocks. The tracks were to be put right on the highway and their existence would interfere with vehicular traffic on the street. In that case the board granted the application, on condition that compensation for damages sustained by reason of the location of the railway along the street, be paid by the railway company. (Order 16589; May 20, 1912; File 1519.) But the present case is different. The railway will not be carried upon or along Prospect street at all. That street is untouched by the railway. It cannot be said that the taking of the small triangular piece off the flower bed—which is not a part of Prospect street—could be construed as the carrying of the railway upon or along Prospect street.

The railway crosses Greene avenue overhead. The additional tracks will be on practically the same grade as the existing tracks. Greene avenue is not injured and is unchanged, except for a slight variation in its grade, which is unimportant. The crossing of Greene avenue by the new tracks will be more than 100 feet away from Mr. Mann's residence. The new track will be closer than that to Mr. Mann's house where it is on the Canadian Pacific Railway property across Prospect street. Under these circumstances, I do not think the board would be justified in ordering compensation to the land owners objecting.

It is undoubtedly, in the public interest to permit the railway company to provide the additional trackage as an entrance to its Windsor street station, and I therefore think the application of the railway should be granted.

Deputy Chief Commissioner Nantel and Commissioner McLean concurred.

COMPLAINT OF W. S. BILTON, OF NEWBORO, ONTARIO, AGAINST EXCESSIVE FREIGHT CHARGES  
ON A CAR OF COAL SHIPPED FROM OGDENSBURG, N.Y., TO NEWBORO, ONTARIO, VIA FERRY  
AT PRESCOTT.

Judgment, Chief Commissioner DRAYTON, February 20, 1915:—

This complaint is made by Mr. W. S. Bilton of Newboro, Ont., against the rates on coal from Ogdensburg, New York, to Newboro, Ont.

Coal moves by ferry from Ogdensburg, N.Y., to Prescott. It is there switched to the Grand Trunk connection and carried by the Grand Trunk to Lyn, a distance of sixteen miles. From Lyn to Newboro the movement is over the Canadian Northern, a distance of 35 miles.

No joint rate to cover this traffic has ever been filed by the railway companies.

The ferry appears to be operated by the Prescott and Ogdensburg Ferry Company, Limited. It has been said that the ferry is really a Canadian Pacific property, and that it is operated by that company; but this is denied by the Canadian Pacific.

In any event, not much objection can be taken to its rate, which was stated at the hearing to be about 18 cents—being actually more like 20 cents—per gross ton. The 20-cent rate for ferriage, amounting, as it does, to about nine-tenths of a cent per 100, compares very favourably with the charge of the government ferry across the Strait of Canso, which is 1½ cents per 100 pounds; so it would not appear reasonable to disturb this rate.

It was stated at the hearing that the Grand Trunk absorbed the interswitching charge from the ferry to its track at Prescott; and the Grand Trunk's rate, as shown by its special mileage coal tariff for this distance, is 60 cents. That company, however, recognizing that the movement is a through movement, has reduced its rate to 56 cents per gross ton. At the 60-cent rate per net ton, the ordinary charge per gross



## SESSIONAL PAPER No. 20c

ton would be 67½ cents; and the reduction of 11½ cents, as the Grand Trunk's contribution to the through rate, seems fair and reasonable.

The Canadian Northern special mileage coal tariff is identical with that of the Grand Trunk; and on this mileage tariff, the Canadian Northern has been charging 80 cents per net ton, making no reduction in view of the through movement.

I am of the opinion that an order should be made directing the companies to agree upon and file a joint tariff to apply on coal from Prescott to all points on that portion of the Canadian Northern line formerly known as the Brockville, Westport, and Sault Ste. Marie Railway. The Grand Trunk's proportion of this joint tariff may reasonably be left as it is; and corresponding reductions must be made by the Canadian Northern in its local tariffs, so as to provide proper through rates, having regard to mileage in each case.

Deputy Chief Commissioner Nantel and Commissioners McLean and Goodeve concurred.

COMPLAINT OF FERNIE-FORT STEELE BREWING COMPANY OF FERNIE, B.C., RE HEATED CAR SERVICE SUPPLIED BY THE CANADIAN PACIFIC RAILWAY COMPANY.

Judgment, Chief Commissioner DRAYTON, February 20, 1915:

This complaint is made by the Fernie-Fort Steele Brewing Company, of Fernie B.C., and refers to the heated car service supplied by the Canadian Pacific Railway Company.

The question is an old one, this same company having made a similar complaint in December of 1913. The board then took the question up with the railway company, with the result that an arrangement was made between the parties and the complaint was withdrawn by letter of January 7, 1914.

Similar complaint was made about the same time by the Elk Valley Brewing Company of Michel, B.C., which was also withdrawn.

Complaint was renewed by the Fernie-Fort Steele Brewing Company this winter, and was made as a result of the Canadian Pacific Railway Company's car service circular No. 16, addressed to agents, yardmasters, conductors, shippers and consignees, page 3, paragraph 1, section (f), of which states that "No heated cars will be loaded or operated when outside temperature is zero or lower or during stormy weather." The applicants complained that this rule would "practically" stop their business in the winter months, especially in "the Prairie provinces, where the weather was liable to be below zero for weeks at a time."

Under the company's car service circular No. 12, dated November 10, 1913, and similarly addressed, station agents and others were advised under paragraph 1, section (f), that no heated cars would be loaded or operated when outside temperatures were 10 below zero or lower or during stormy weather. The heated car service referred to in this circular was one which the company held out as available up to December 31, 1913.

It will be observed that the circular which is the immediate cause of the present complaint changes the former regulation, instructions being that heated cars will not be loaded or operated when the temperature is zero or lower.

Section No. 2 of the last circular is as follows:—

"Shippers are requested not to offer for furtherance such freight as beer, fruit, etc., which is liable to be easily damaged by frost during extremely cold or stormy weather when the temperature is such that it precludes the possibility of goods arriving at destination in good condition. Should there be any doubt as to the operation of schedule during such weather, shippers should telephone local freight agent for information as to whether the shipments will be accepted.

6 GEORGE V, A. 1916

"Agents must suspend loading of heated line cars when outside temperature is zero or lower. Extremely cold or stormy weather interferes with the operation of train service and increases the hazard of delay in transit."

The service is again limited to the 31st of December, with the same exception as is contained in the former circular applying to shipments of 12,000 pounds or over offered for forwarding to points between two consecutive divisional points, as for example, between Winnipeg and Brandon, or between Brandon and Broadview.

As the circular filed, bearing tariff No. W. 3302, provides for this heated refrigerator car service entirely at owner's risk, and in view of the provisions of the bill of lading and the freight classification, I was unable to understand why there should be any limitation as to temperature or as to time, and the matter has been taken up with the company.

The company's position is that the traffic is one which they do not desire, and that the reason why the limited service was put in was to accommodate Christmas holiday trade, and they further point out that the courts have not given full effect to the owner's risk clause, but on the other hand have thrown upon the company the onus of showing that the cars were kept properly heated, not only at the time of loading but in transit, and while unloading takes place. Statistics were asked for which would illustrate the results of the traffic, bearing in mind the manner in which local courts, administering petty court jurisdiction have dealt with the question of the company's liability.

The results show that the Canadian Pacific Railway Company received a revenue of \$1,171.89, but have paid out on claims for damage by frost no less than \$2,134.52 for the season. The question is, of course, confined to the L.C.L. movement. This movement means that the car may have to be opened at different stations "en route" for the purpose of delivering portions of its load. The railway company says that with the low temperature obtaining it is impossible to open the car from time to time and avoid freezing beer and other perishable commodities. The results of the business would seem to entirely justify the position which the company takes. On the other hand, if shippers want to take the chance and are desirous of making shipments, I do not see why they should not be allowed to do so, and why effect should not be given to the terms of the bills of lading. It seems to me to be manifestly in the interests of the shippers that they should be entitled to do business if they desire to take the chances; and so as to provide for the traffic I am of the opinion that the company should be obliged to accept shipments of the kind in question, subject to the stipulation that the shipper must sign a release waiving all claim for frost damages unless he can first prove that the heating appliances which the cars are supposed to be supplied with were in fact missing. The release should also contain a further exception which will cover the case of damage by frost occurring by reason of fires in the heaters going out as a result of the negligence of any of the employees of the railway company; but the damages recoverable in such instances should be limited to one-half the sum of the freight tolls charged on the shipment in question. I would limit the damages in this way by reason of the actual experience of the company in regard to the manner in which the courts have construed the "owner's risk" provisions of the bill of lading and freight classification. The provision suggested does not provide for any proper damages to the shipper but as already pointed out, the railway companies do not want the traffic, state that it is impossible to safely carry it, and that the damages result from causes which it is impossible to control. It is quite clear that weather conditions often make it impossible to eliminate damage, a condition which seems to have been entirely overlooked in the manner in which claims against the company have been dealt with by the courts. It would be entirely unfair to put the company in the position of insuring against loss, and the only reason I adopt the further exception to the release is that some incentive should be thrown upon the company to observe all due

## SESSIONAL PAPER No. 20c

diligence in protecting the shipments against frost. The possibility of loss of one-half of the earnings on the traffic should be sufficient to insure that the carrier will do whatever he can do to reduce frost losses as much as possible. It is impossible to compel the railway to accept business of this class, and at the same time to protect the shipper to a greater extent.

The regulations and practices which this judgment will make effective are novel and may be regarded as experimental.

The complaints as to the service in question are practically confined to the Fernie-Fort Steel Brewing Company and the Elk Valley Brewing Company. I would, therefore, limit any order which may be issued carrying this judgment into effect to shipments of these companies and any others that may apply for the same service during the next winter season, at the close of which the practical utility or uselessness of the service will have been demonstrated one way or the other.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

## PAVING OF SYNDICATE AVENUE SUBWAY, FORT WILLIAM, ONT.

Judgment, Assistant Chief Commissioner SCOTT, February 22, 1915:—

The Canadian Pacific Railway Company applies to the board for an order directing the city of Fort William to pave the subway known as Syndicate Avenue Subway, which affords a means of access from Syndicate avenue to the water front at Fort William.

There has not been a hearing before the board in this matter; but as both parties have put in a submission in writing, and as the facts are not in dispute, I think the matter is now ripe for judgment.

The subway was built by the railway company pursuant to an agreement made between the company and the city, dated June 28, 1911. Clause 1 of the agreement reads as follows:—

"1. The company will within two years from the date hereof, subject to the approval of the Board of Railway Commissioners for Canada, construct, complete and maintain (except as to the pavement thereof and drainage therefor, which are to be made and provided by the city), a subway suitable for pedestrian and vehicular traffic under the company's tracks at a point between the productions easterly of the south limit of Ridgeway street and of the face of the northeasterly wall of the company's Fort William Union passenger station, and upon the completion of the said subway (including the work to be performed by the city as herein provided) will dedicate the roadway and footway therein as a public highway and will provide and dedicate for public highway purposes strips of land of the width of the said subway as follows:—

"(a) Extending from Syndicate avenue or Ridgeway street to the northeasterly end of the said subway; and (b) extending from the southeasterly end of the said subway to a line drawn at right angles to the said subway and approximately fifty feet distant from the water's edge of the Kaministiquia river; and (c) from the last mentioned strip southwesterly to the limits of property owned by the company opposite the end of the street or highway known as Front street; the said three strips of land with the roadway and footway of the subway to form one continuous highway from Syndicate avenue or Ridgeway street to Front street, and which continuous highway is hereinafter referred to as the 'substituted highway.' The city shall provide and construct the drainage and pavement for the said substituted highway, including the portion thereof comprising the roadway and footway in the said subway, and shall thereafter maintain the said substituted highway as part of its streets.



6 GEORGE V, A. 1916

And the company shall at all times have the right to construct, maintain and operate its railway and tracks, including any additional tracks which may hereafter be required, over such subway and highway thereunder so established. The said subway shall be not less than forty and not more than fifty feet in width and with a headway of not less than 10 and not more than 11 feet under the tracks, and shall, in other particulars, subject to the approval of the said board, be in accordance with such plans and specifications as the company may determine."

The plans of the proposed subway were approved of by Order No. 16990, dated July 8, 1912.

By letter, dated August 29, 1912, the board was notified by the railway company that the subway would shortly be ready for paving, but that the city had made no preparations for doing the work, and that it stated that it did not propose to do anything until it received a deed of the right of way. That letter was brought to the attention of the city, and by letter dated September 26, 1912, signed by the city clerk, the board was notified that the city council at a meeting held on September 24 had passed the following resolution:—

"That the solicitor and city engineer be instructed to take such steps as are necessary to carry out the agreement of the Canadian Pacific Railway respecting Syndicate avenue subway, and report back to council as soon as possible."

In that letter we also advised:—

"It is the intention of council to get a report as to the nature of the paving and the actual cost, and the solicitor will draw the necessary by-law for the raising of money necessary to carry out the work."

Upon the board inquiring of the municipality what progress had been made towards the paving of the subway, the city clerk wrote the secretary on May 29, 1913, as follows:—

"I may state in reply that our present engineer has prepared plans and specifications for the paving of this subway, and we hope shortly to be able to call for tenders for the construction of the work.

"The work has been held up until this late date on account of the Canadian Pacific railway not being ready for us to go ahead."

By letter, dated July 4, 1914, His Worship the Mayor wrote the Chief Commissioner as follows:—

"The city council of 1912 entered into an agreement with the Canadian Pacific Railway Company to pave the subway from Syndicate avenue to the river frontage near the Union depot.

"The subway is completed and we find ourselves in the unfortunate position that we cannot carry out our part of the agreement as we have no means of issuing debentures to cover this work. At the time the railway company petitioned your board for permission to build the subway you were not asked to consider the apportioning of the cost.

"Will you kindly advise whether it would be possible for your board to order the city to pave the subway as their portion of the entire work. If this is possible I will be glad to send resolution of council giving the consent of the city to carry out this work.

"Trusting to have favourable reply."

## SESSIONAL PAPER No. 20c

To that letter the following reply was sent:—

“I have your letter of the 4th instant.

“The file I find is in the West with our engineer.

“It seems to me, however, that if the town has agreed to pave the subway, and has no objection to an order being made implementing its agreement so as to avoid the cost of submitting a by-law to the ratepayers, no one could raise any objection to the order.”

On an application from the railway company for permission to open the subway for traffic, the board's engineer, Mr. Drury, in a report dated July 10, 1914, reports in part as follows:—

“I found that the work so far as the railway company was concerned has been constructed according to plan and is in good order.

“I would, therefore, recommend that the railway company be allowed to use and operate the subway for the carriage of traffic.

“However, on inspection of the subway I found that the city had not paved the subway, which, as I understand it, they should do according to agreement. This, however, does not prevent the railway company from using the bridge for the carriage of traffic.

“I took the matter up with Mr. Knight as to the paving (Mr. Knight being the city engineer), and he intimated that the city would be pleased to secure an order from the board directing the city to proceed with the work of paving the subway, as in order for the city to proceed with the work it would be necessary for them to get a mandate from the people or secure an order from the board.

“I might say that foot passengers use the subway at present as the sidewalk which is constructed of concrete is some feet higher than that of the driveway.”

The board by Order No. 22259 of the 23rd of July, 1914, authorized the railway company to use and operate the bridge which carried its railway over the subway in question.

At a sitting of the board in Fort William, on December 16 last, we heard the application of the Fort William Board of Trade for better facilities for local freight at Fort William. On that day we visited the Canadian Pacific Railway freight shed on the water front and the subway in question. It is quite apparent that much improved freight facilities than those now enjoyed could be afforded Fort William if the subway was paved so as to provide vehicular access to the western end of the freight shed.

In its answer to this application Fort William contends that the agreement was one which the council had no authority to make without the approval of the ratepayers under the provisions of the Municipal Act. This agreement, it is stated, was submitted to the ratepayers at the last municipal election when the same was not confirmed; the vote being 715 for and 888 against confirmation of the agreement. The city submits therefore, that it is not bound by the agreement.

It is also submitted by the city that as the subway was not erected on a highway, but solely on the property of the railway company, that the board has no jurisdiction to order the city to pay any of the cost thereof.

As far as the agreement is concerned, while it may not be legally binding on the municipality, it is not necessary that there should be any agreement to give this board authority to make the order applied for.

With regard to the point taken by the city that, as this subway was not built on a city street that it is not a highway, and that therefore the board has no power to order the city to pay a portion of the cost; I would like to point out that while there

may not have been a street on the exact line of the subway there has been a dedication to the public of a highway through the subway by the railway company and an acceptance of it by the municipality. The dedication and acceptance are, in my opinion, clearly evidenced by the agreement. While because of the strict requirements of the Municipal Act the city may not be in a position to be compelled by legal proceedings to carry out its agreement to pave the subway in an action by the C.P.R. in the courts of the province, the agreement may certainly be taken as an acceptance by the municipality of a highway through the subway. In addition to this the highway through the subway may be taken to be a diversion authorized by the board of an existing way of communication from Syndicate avenue to the water front. This way of communication was a bridge to convey pedestrian travel across the property of the railway company from a point on the north side of the tracks to the water front. This bridge was some distance east of the present subway. After an accident happened in connection with the bridge, Mr. Drury, the board's assistant engineer, reported on it on January 19, 1911, as follows:—

"I am of the opinion that owing to the dangerous condition of this bridge to the employees of the railway; also to the foot passengers using this bridge that the Canadian Pacific Railway Company should be asked to remove the overhead bridge and construct by May 15, 1911, an overhead bridge at or near the same point. The bridge to have sufficient side clearance from the rail of the upright supports. Also the bridge to have the required overhead clearance; or, if the company so desire, to construct a foot passenger subway at or near the point of the present overhead bridge."

Upon that report being brought to the attention of the railway company, Mr. Beatty in a letter dated March 7, 1911, stated:—

"We have no objection to taking down this bridge in accordance with Mr. Drury's recommendation as soon as the subway which we propose to build slightly east of our new station building at Fort William is completed."

"Such a subway will render unnecessary any overhead bridge or subway on the site of the present overhead bridge."

Subsequent to that, the agreement with Fort William was made, the present subway constructed, and the old bridge taken down.

Under these circumstances, I come to the conclusion that the way through the subway is a public highway; and, that under the Railway Act this board has power to order the city of Fort William to contribute to the cost of the subway.

It is in the interests of the safety and convenience of the public that this subway should be completed, and I have no hesitation in saying that I think the city of Fort William should contribute towards the cost of the work. I think a suitable contribution would be the paving of the subway; and, I therefore suggest that an order should go accordingly; the work to be completed by the first of August next.

Under the provisions of section 289, subsection (f), the municipal council may, with the approval of the Ontario Railway and Municipal Board raise the money by debenture necessary to carry out this work without having to submit the matter to the electors, or without the necessity of special legislation.

The Chief Commissioner Drayton and Commissioner Goodeve concurred.

APPLICATION OF THE CANADIAN NORTHERN ONTARIO RAILWAY COMPANY TO CROSS MONKLAND BOULEVARD, IN THE TOWN OF CARTIERVILLE, QUE., IN THE COUNTY OF JACQUES CARTIER, QUE.

Judgment, Mr. Commissioner McLEAN, February 23, 1915:

Application is made by the Canadian Northern Ontario Railway Company to cross Monkland Boulevard, in the town of Cartierville, by a grade crossing.



## SESSIONAL PAPER No. 20c

At the hearing, representations were made on behalf of the town of Cartierville, the town of St. Laurent, the Union Land Corporation, the D. J. McAnulty Realty Company, and the city of Montreal.

The city was interested as to the question of proper re-enforcement of the sewer on Monkland Boulevard, which the city had constructed, it being represented that the crossing of the boulevard by the railway company would necessitate such re-enforcement. The other parties applicant were desirous of having the track of the railway elevated at this point, so that the highway traffic might be carried along the existing highway level, and protection afforded by means of grade separation.

The Canadian Northern tunnel, which is a double track structure and which is to be electrically operated, is three and one-third miles east of Monkland Boulevard. The eastern end of the Cartierville yard is 3,100 feet west of Monkland Boulevard. On account of the nature of the operation of the tunnel, the traffic between the tunnel and the Cartierville yard will be operated by electricity. Further, on account of the double track construction of the tunnel it will be necessary to continue the double tracking to the yard.

Whether the crossing is constructed at grade or whether there is grade separation, there is involved a common distance of one mile, from mileage 47.4 to mileage 48.4.

The cost of a mile at low grade, i.e., with the grade crossing, has been checked out by the Chief Engineer of the Board, with the following result, this being for double track construction:—

Item.	Unit.	Quantity.	Price.	Cost.
Temp. trestle.. . . .	lin. ft.	.....	.....	.....
Trainfilling from trestle.. . . .	cub. yds.	14,000	\$0 40	\$ 5,600
Lifting.. . . .	"	53,000	0 52	27,560
Steel bridging excavation.. . . .	"	300	0 75	225
Concrete.. . . .	"	450	8 00	3,600
Steel.. . . .	lbs.	144,000	0 05	7,200
Timber.. . . .	F.B.M.	.....	.....	.....
				<hr/> \$44,185

As this portion of the line is to be electrically operated, provision must be made for pedestals for the posts to support the overhead work; this will add \$13,500 to the above figures.

If the grade separation is made so as to give a clearance of 15 feet by 50 at Monkland Boulevard, the cost of the work between the given mileages already referred to, and including the necessary work at Monkland Boulevard will be as set out in the following table:—

Item.	Unit.	Quantity.	Price.	Cost.
Temp. trestle.. . . .	lin. ft.	2,300	\$6 00	\$13,800
Trainfilling from trestle.. . . .	cub. yds.	90,000	0 40	36,000
Lifting.. . . .	"	75,000	0 52	39,000
Steel bridging excavation.. . . .	"	800	0 75	600
Concrete.. . . .	"	1,650	8 00	13,200
Steel.. . . .	lbs.	210,000	0 05	10,500
Timber.. . . .	.....	.....	.....	480
				<hr/> \$113,580

To this must be added, on account of the electrical operation of the road, for the same reason as given in connection with the electrical operation of the low grade line, \$22,500; that is to say, between the low grade line and the high grade line; there is in round numbers a difference of \$78,000.

Under existing conditions of traffic, the board would not be justified in directing at such an expense the grade separation at the present time. With changed conditions, the question of the appropriate method of protection is a matter which can be raised by the parties interested; and the action now taken is without prejudice to their rights in connection with any application they may desire to make.

Assistant Chief Commissioner Scott and Deputy Chief Commissioner Nantel concurred.

6 GEORGE V, A. 1916

COMPLAINT OF T. H. PATRICK OF SOURIS, MANITOBA, AGAINST THE CANADIAN PACIFIC RAILWAY COMPANY REFUSING TO PLACE CARS ON THE SIDING RUNNING INTO HIS LUMBER YARD AT SOURIS, MAN., WHICH SIDING WAS CONSTRUCTED UNDER AGREEMENT MADE BETWEEN HIM AND THE COMPANY OF DATE JULY 20, 1905.

Judgment, Chief Commissioner DRAYTON, February 26, 1915:

An application has been made by Mr. T. H. Patrick for an order of the board directing the Canadian Pacific Railway Company to continue the service hitherto afforded the applicant over the spur leading up to and into his lumber yard at Souris.

This spur appears to have been laid under an agreement entered into between the company and the applicant, dated July 20, 1905.

The construction of the spur was authorized by order of the board No. 3203.

The spur serving the applicant does not run to the company's line but is constructed from the spur which has already been laid to the McCullough and Herriot mill.

The agreement is an agreement drawn under the usual form of the Canadian Pacific under which a rental amounting to \$19.75 is to be paid by the applicant to the company. The applicant is also bound to pay the company all costs of signals, signalmen, and other like expenses at any time incurred by reason of the use of the siding by the applicant; and also all costs and expenses incurred by the railway company in maintaining and keeping the siding in good repair and condition, clear of snow and open for traffic.

The present difficulty arises owing to the fact that it has been necessary for the company to expend money in maintaining the mill spur, which is used for the purpose of placing cars on the applicant's spur over which the applicant's cars have to pass. The railway company has billed the applicant for one-half the cost, and the applicant has refused to pay the bill. On this refusal the company has declined to continue to serve the spur, treating its maintenance as maintenance which is payable by the company under the agreement.

On taking the matter up with the railway company the railway company points out that it has not sought to charge the applicant with one-half of the cost of maintaining the whole mill spur; but merely that part of the mill spur which is used jointly by the applicant and the mill-owners; that the mill-owners naturally object to paying the whole cost of maintenance; and that it is only reasonable and just that the cost should be apportioned half and half as the company now claims.

Mr. Patrick also claims that the railway company uses the mill spur itself for switching when placing cars on the loaded spur which branches off the mill spur on the main line. The company states that it is a fact that a small part of the mill spur and the loading spur is used for switching purposes, but that all that Mr. Patrick is asked to do is to bear a portion of the rental and maintenance charges of the mill spur from the point at which the grain loading spur leaves it to the point from which his spur is constructed, marked "B" on the blue print, so that the latter question raised by Mr. Patrick has no bearing on the issue.

The parties were asked for a statement showing the respective use of that part of the mill switch in question. Mr. Patrick stated that he unloaded about 135 cars on his switch in 1914. He had no statistics as to movements on the mill switch, but thought that they were much greater, his estimate being that they were three times as many.

The company's actual returns for cars placed on the applicant's spur, however, amounts to 154. These cars were all loaded, no loaded cars being lifted from his spur for mill purposes during the same period. 208 loaded cars were carried over the spur for the mill and 358 loaded cars lifted from the spur.

The agreement is an agreement which is terminable at any particular time on two months' notice, and irrespective at all of any question of rights of the company

## SESSIONAL PAPER No. 20c

to discontinue the service and of the applicant to obtain a forced service under section 226 of the Act. It would seem to me that the fair and reasonable thing to be done is that the maintenance of that part of the mill spur used in common should be divided between the owners of the mill spur and the applicant on the wheelage basis. Under this basis each industry will be charged with every car whether full or empty taken over the spur. On the figures shown, the applicant having loaded no cars the movement in his case would amount to 308 cars as 154 cars were delivered on the switch loaded, and, of course, had to be taken off. With the very best loading of returned empties possible, there would be 505 movements on the mill spur. The chances are that this idea of reloading was never accomplished, and that, as a matter of fact, car movements from the mill were greater. The applicant desires, however, that a reasonable basis should be struck. In so far as the present bills are concerned, probably the fairest solution is for the owners of the mill to pay two-thirds of the cost of maintenance of that part of the spur which is used in common and the applicants one-third.

As the parties merely desire an expression from the board as to what the fair thing to do under the circumstances would be, no formal order need be issued.

Assistant Chief Commissioner Scott concurred.

COMPLAINT OF MR. W. J. WOOD, OF WINNIPEG BEACH, MAN., AGAINST MIXED TRAIN SERVICE ON THE LINE OF THE CANADIAN PACIFIC RAILWAY COMPANY BETWEEN WINNIPEG AND RIVERTON.

Judgment, Mr. Commissioner McLEAN, February 26, 1915:

Riverton is located at the end of the Winnipeg-Riverton branch. Application is made for a re-arrangement of the train service so as to give a mixed service three days a week and a passenger train service three days a week, instead of the mixed train service six days a week now in operation. The existing service is on the winter schedule. It is contended by the applicant that the existing service is unsatisfactory, on account of the delay in transit.

While reference is made to an alleged better service afforded those resident along the Stonewall-Arbourg line, it does not appear that, in the absence of any evidence as to similarity of conditions, and the further lack of any affirmative showing that the difference in service alleged to exist has had the result that those located along the Stonewall line have, as the result of the difference in service, profited at the expense of those located along the Winnipeg-Riverton line, the service on the Stonewall line can be taken as the measure of what is proper on the Riverton branch.

Consideration must be given to the receipts and expenditures in connection with the operation of the service.

During the period between November 3 and December 15, 1914, the passenger earnings from the operation of thirty-six trains averaged \$44.56 per day. On the average, there were less than thirty passengers per day each way.

The operating expenses of the service have been checked. Taking purely out of pocket costs, making no allowance whatever for contribution to the general expenses of operation and maintenance, the situation works out as follows:—

The train mileage for the round trip is. . . . .	164 miles.
The revenue from passenger train service per day is. . . . .	\$44 56
The revenue per passenger train mile is. . . . .	0 27
The cost per train mile of operating a tri-weekly passenger train would be	0 54

The result would be that the passenger train mile earnings would be one-half the passenger train mile cost of operation. On this showing, the board is not justified in directing the additional service asked for.

Chief Commissioner Drayton concurred



## RE STORAGE OF MERCHANDISE BY THE RAILWAY COMPANIES AT FORT WILLIAM AND PORT ARTHUR.

Judgment, Chief Commissioner DRAYTON, March 3, 1915:

The issue raised in this case has a direct bearing on the question of the storage of merchandise by the railway companies at Fort William and Port Arthur. Under the practice that obtained in the past—and indeed still obtains—the railway companies have accepted consignments from connecting steamers, with manifests to Port Arthur and Fort William, for subsequent forwarding, the goods being stored in the companies' warehouses to the order of the owner, and held free of storage charges until the re-opening of navigation.

This arrangement has, of course, been a very considerable benefit to consignees west of Fort William, as it has enabled them to bring up merchandise before the close of navigation, at the summer lake-and-rail rates, and keep it at the lake ports, without cost, until such time as they desire to have it forwarded by rail during the winter. The result is that the method of delivering is as convenient to the consignee as if his merchandise were forwarded by the all-rail route, for delivery at the appropriate time, while he gets the advantage of a combined lake-and-rail rate.

The practice was objected to by the Board of Trade of Fort William; and its complaint was heard by the Board of Railway Commissioners on June 4, 1913, when, at the request of the said board of trade, the question stood over to enable it to take the matter up with other boards of trade and to have necessary tariffs filed, with a view to further consideration.

Fort William objects to the practice, on the ground that it works a grave injustice to its merchants who are selling goods in territory west as well as east of Winnipeg; and that the result of the practice is that they are unfairly discriminated against, the free storage privilege not applying on merchandise for Fort William, but only on goods billed for points west and held subject to furtherance orders on the railway.

The position taken by the railway companies was that they would be very glad to collect storage if they could; but that they were prevented from doing so by exemption from storage charges, under like circumstances, at competitive lake ports at Duluth, Minnesota; Superior, Wisconsin; and Gladstone, Michigan.

The railway companies have since filed a tariff under which a storage charge of 20 cents per ton of 2,000 lbs. will be made, with a maximum charge for storage from December 1 to April 15 of 50 cents; and freight remaining in storage from a previous lake season will be subject, after the 15th of April, to a charge of 5 cents per ton per day, with a maximum rate of 40 cents for the month.

The Estevan Board of Trade has protested against this tariff and the cancellation of the free storage practice. In support of the protest, the said board of trade has forwarded a copy of a letter received from the local branch of the International Harvester Company, which letter, in drawing attention to the proposed charge, points out that the company's own warehouse is not fully adequate for its needs; that it must depend upon the railway companies for some storage, with the result that the storage charge will be an added burden; on investigation, I find that the tariffs of the United States lines provided for free storage at Duluth, Minnesota; Superior, Wisconsin; and Gladstone, Michigan, on west-bound, lake-passage freight destined to Canadian points—the statement of the Canadian carriers as to United States practice at the ports in question is, therefore, confirmed.

The Great Northern, the Northern Pacific, and the Minneapolis, St. Paul, and Sault Ste. Marie Railway Companies have issued new tariffs for their lines of railway running to the United States ports of Duluth, Superior, and Gladstone, which tariffs are practically identical with the tariffs filed by Canadian carriers and provide for a similar storage charge. Doubtless the different carriers acted in consort; but, whether this was so or not, the fact remains that the reason hitherto given by the Canadian

## SESSIONAL PAPER No. 20c

carriers as the explanation of the free storage system at Port Arthur and Fort William—which was objected to by the Fort William Board of Trade as discriminatory,—now disappears to the extent of the storage which is charged at the United States ports mentioned above. The rate is low, lower than ordinarily charged for storage; and to the extent that it is lower than ordinary storage charges, the consignees west of Fort William retain an advantage.

The position of the Fort William Board of Trade now is that the storage rates on goods which were subsequently forwarded should be as high as the rates which local merchants are compelled to pay; and that otherwise the discrimination complained of in the past still continues.

The position of the board of trade is illustrated by the following letter:—

“The railways operating terminals at the Canadian head of the Lakes and at the United States head of the Great Lakes have entered into a joint arrangement, effective April 1, 1915, under which a charge of 20 cents per ton per month will be made for goods stored in transit, which is satisfactory, except that local merchants are compelled to pay a higher storage charges on goods taken delivery of here.

“The Fort William Board of Trade would, therefore, request the Canadian Railway Commission to cause the tariff now in effect, or any that may hereafter be in effect covering storage charges on goods delivered locally, to be amended so that the charges will not exceed those applying to goods held for shipment to points beyond.”

I am of the opinion that the tariff as filed is free from objection.

The complaint of consignees at western points that they are now being charged something which they were not charged before, cannot be entertained, as the competitive situation which was the main justification for the free service has disappeared, at least to the extent that the United States carriers have advanced their rates.

If the Canadian carriers had not put in the tariffs now under consideration, effect would have been given to the complaint of Fort William, to the extent that United States exemption from storage charges has disappeared.

Regarding the Fort William contention that all storage forwarding rates should be at a parity with rates for local storage, it is to be observed that no attack is made upon the local storage rate on the ground that it is unreasonable or too high. This may or may not be so. The local rate would seem to be the one which usually obtains; but the complaint is, not that this local rate is of necessity too high, but that both rates should be on a parity. Under the Act and according to universal practice, rates which might otherwise of necessity be charged on a parity, may differ, one from the other, as a result of competitive conditions. So long as the storage rates charged by the Canadian carriers are as high as those charged by the United States carriers, on goods to be forwarded to the west, there is no ground for interference by this board.

Assistant Chief Commissioner Scott and Commissioner Goodeve concurred.

RE GRAND TRUNK PACIFIC SIDING AT ST. LOUIS, SASK.

Judgment, Chief Commissioner DRAYTON, March 3, 1915:

The board issued an order on October 30, last calling for the construction of a siding at this point with a trailing point switch towards the bridge over the Saskatchewan river. The work was to be completed within thirty days.

The board's attention has since been called to the fact that the bridge has not been completed, and that the siding as ordered cannot be operated until the bridge is finished. This seems to be quite correct.

The company's delay in completing the bridge, however, of itself affords no reason why the settlers at St. Louis should not be given such a service as the company can now give with its available facilities. The line has been opened for traffic, and the question is entirely in the board's hands.

Mr. Sager, who lives at St. Louis, writing from St. Louis states that all freight for St. Louis is unloaded at the siding at Hoey, and that the railway company has absolutely refused to accept freight beyond Hoey, although a regular service is run to St. Louis. Mr. Sager also points out that the result is that freight from St. Louis left at the Hoey siding, at which there is no agent, is very often stolen, as the St. Louis people never know when it arrives or when they should go to Hoey to look after it.

Hoey is three and a half miles away from St. Louis. St. Louis is the point of the old settlement. Hoey is a point where it is hoped that a town will be built as the result of changed conditions of transportation which the railway will bring about. In other words, Hoey is a place which is brought into being as a result of the railway, and is a townsite proposition which may or may not be successful.

I am at an utter loss to understand why the settlers and others living at St. Louis are not entitled to have their freight unloaded where they live, instead of its being left at Hoey in no person's care and without such advice to the consignees as would enable them to properly look after it. Or again, why consignees residing at St. Louis are to be compelled to dray their freight over country roads for an unnecessary distance of three and a half miles.

If the railway is to be so operated as to compel people from St. Louis to live at Hoey, then the policy can be understood. It is impossible to allow any railway company to so carry on public business.

A copy of the letter of complaint has been furnished the railway company which has justified the delay in building the spur for the reason already stated; and also for the reason that it did not get a certified copy of the plan showing the manner in which the railway was to be built soon enough to construct it before the frost set in.

The spur as directed was roughly located on the company's own plans, and there never was any intention of tying the company's hands to any exact plan of location. In effect all that the board ordered was that a commercial siding should be constructed at St. Louis. I, however, propose to deal with the matter giving full effect to the company's reasons as to why the spur has not yet been constructed, and will assume that its application to the board for a certified plan of the spur to be built on railway location which had never been surveyed except by the company's engineers, was made in entire good faith. In so far, therefore, as delays in connection with the construction of the switch itself is concerned, I say nothing, and no order creating a penalty for default will issue.

On the other hand, the company in its answers to the complaints shows that it has already constructed a spur 390 feet long, located on the east side of the main track, for the use of contractors erecting the bridge; and that, subsequently the spur was changed and connected with the south end.

The company also says:—

"The spur is easily accessible from the public road diversion which crosses our main track, there being a good trail on the east side of the track leading from the public road to the spur. The cut alongside of the spur has been widened so that teams can drive up to the spur and also turn around. The spur is, therefore, accessible from the town of St. Louis by means of the surveyed road through the town, which connects with the road diversion referred to if slightly extended and connected at the north instead of the south end, the spur above mentioned would be in accordance with the board's order."

Under such circumstances, the refusal of the company to deliver freight at St. Louis becomes all the more extraordinary. The train movement at the point in



SSIONAL PAPER No. 20c

estion is so slight, that even if there had been no siding at all, the company would ve been at no trouble whatever in delivering freight at St. Louis.

An order should now go directing the company to accept freight for and freight om St. Louis (as well as express matter), just so soon as an express service is orded on the line in question, in case one does not already exist.

The company must also supply a box car to be left on the siding referred to in e company's letter as a receptacle for less than carload freight consigned to Louis.

While no difficulty has been pointed out by the company as to such a use of the ir, in case the company claims that the whole of this spur which it now has must sed for the convenience of its contractors, then it must extend forthwith the ir for a sufficient length necessary to accommodate the car; or else take the car its wheels and place it at a convenient spot where it can be reached from the velled highway to St. Louis. This service must be inaugurated without delay.

Commissioner Goodeve concurred.

#### IN THE MATTER OF THE GRAND VALLEY RAILWAY COMPANY.

Judgment, Chief Commissioner DRAYTON, March 4, 1915:

The board's attention has been called, by the Ontario Railway and Municipal rd, to the anomalous position of this railway.

The Port Dover, Brantford, Berlin, and Goderich Railway Company was incorated by Dominion statute 63-64 Victoria, chapter 73, with power to construct and rate a railway from Port Dover through Simcoe and Waterford, in the county of folk, to Brantford; thence to Berlin, in the county of Waterloo; and thence, in a hwesterly direction, through the counties of Perth and Huron, to the town of erich.

By a further Act of the Dominion Parliament, 2 Edward VII, chapter 91, the e of the company was changed to that of the Grand Valley Railway Company.

The Brantford Street Railway Company was incorporated under an Act of the ince of Ontario, 42 Victoria, chapter 73.

By the Dominion Act, 6 Edward VII, chapter 102, authority was given the ad Valley Railway Company to enter into agreements with the Brantford Street way Company and other companies under which the Grand Valley Railway any might be empowered to acquire the undertaking of the Brantford Street way Company.

In May, 1907, application was made by the Grand Valley Railway Company to board, the application being made under the provisions of section 281 of the way Act, 1903, for an order of the board sanctioning the proposed agreement r which that railway company acquired the undertaking and assets of the Brant-Street Railway Company.

As directed by the board, public notice of the application was given.

No objection apparently was made to the transfer by the city of Brantford, with ult that the agreement, which was subsequently dated August 27, 1907, was ommended by the board to the Governor in Council for sanction by order dated er 3, 1907, the agreement being ratified by order in council dated October 25,

As above noted, the whole of the railway owned by the Brantford Street Railway any then became part of the Grand Valley Railway system, a recital of the ment stating:—

“And whereas it is believed by the parties hereto that it will be advantageous as well to the parties hereto and their respective shareholders as to the

municipalities through which the said respective railways now run, and to the public generally, that the railways so owned by the parties hereto should be so dealt with as to be capable of being operated as a continuous and connected line of railway."

The Grand Valley Railway Company has since become insolvent, and the city of Brantford, under the Provincial statute 4, George V, chapter 63, section 6, was authorized to pass by-laws for the purchase of the franchises, property, rights, and privileges of the Grand Valley Railway Company in the city of Brantford and counties of Brant and Waterloo.

Power, by the same Act, is given the corporation to pass by-laws providing for the election of a commission to manage, operate, improve, and extend the railway subject to the provisions of the Public Utilities Act of the province, with the further provision that, until the election of such a commission, the municipality may itself appoint a commission to act in its stead. The Ontario Railway and Municipal Board points out that the city has acted on this legislation and acquired the system of the Grand Valley Railway Company.

Beyond all question, urban street railway systems are matters which properly fall under the provisions of the British North America Act within the jurisdiction of the Province, and apart from any legal question of provincial rights but as a mere matter of expediency and public convenience should be operated under that local jurisdiction. The present case is, of course, complicated by the fact that the Grand Valley System was not merely an urban system, but also included lines running out of the city and which as contemplated under the Act of Incorporation were of considerable extent therefore justifying to this extent the original incorporation.

Much doubt may be expressed, however, as to the advisability of ever incorporating into a railway system as contemplated by the Act of Incorporation of the Grand Valley the purely local service afforded by the Brantford Street Railway Company.

The city of Brantford has also purchased not only that part of the railway use for its local business, but the whole system.

The board wrote Mr. Henderson, solicitor for the city, stating that its attention had been called to the question of the right of the municipality to operate the railway and asking for a reference to the statutes that might confer such right and under what authority the railway was being operated. Mr. Henderson's reply is as follows:—

"BRANTFORD, February 26, 1915.

"A. D. CARTWRIGHT,

"Secretary, Board of Railway Commissioners, "

"Ottawa, Ont.

"File 23686—*Re* Grand Valley and Brantford Street Railway.

"Dear Sir:

"Upon my return to the office I am in receipt of your letter of the 23 instant.

"The corporation of the city of Brantford has assumed that it has the right to operate the Grand Valley Railway in pursuance of its purchase of same. If we are in any error with regard to our rights we shall be very glad to be set right by the board and to take any steps that are needful to comply with regulations in that regard.

"By chapter 63 of the statutes of Ontario of 1914, the city of Brantford obtained special legislation, and, among other things, you will observe by clause 6, that the city is empowered to pass by-laws for the purchase of the franchises, property, rights and privileges of the Grand Valley Railway Company in the city of Brantford and the counties of Brant and Waterloo. Pursuant to that authority a by-law was passed which is set forth in Schedule "A" to the A

## SESSIONAL PAPER No. 20c

"In pursuance of the further powers of the various subsections of the Act, the city of Brantford has appointed a commission to manage, operate, improve and extend the railway, and in due course it is the intention that a commission shall be elected to supersede the present commissioners. You will observe that the Act gives us power to appoint commissioners until such time as we shall elect same.

"The city of Brantford entered into possession of the road last August, and immediately thereafter proceeded to improve it both as to its road-bed and rolling stock, and I think I can safely say that any person who saw the railway previous to its ownership by the city would not recognize it now as the same railway.

"I hope the above will answer your question fully, and if not will be glad to furnish such information as required.

"Yours truly,

(Sgd.) "W. T. HENDERSON."

In my opinion the right of the city of Brantford to operate this Dominion undertaking is subject to the provisions of section 299 of the Railway Act. So far as the acquisition of the line is concerned, I assume that it has been properly acquired by the city. So far as operation by the city is concerned, the question is as to whether it has any corporate power to operate a Dominion franchise. Undoubtedly the Ontario statute referred to gives the city enabling rights, such rights that allow it to purchase the assets of the railway company, I nevertheless think, that its provisions cannot clothe the city with the right to operate a Dominion railway. In other words a provincial legislature cannot authorize the operation any more than it could the construction of a railway declared to be for the general advantage of Canada. The result is that the city had the right to use municipal funds in the acquisition of the railway and now owns the undertaking but without power enabling it to operate this Dominion franchise under the Dominion Act. In such case the provisions of the section apply, and the city may operate under leave of the Minister of Railways, with the obligation, during the next session of the Parliament of Canada, of applying for an Act which would enable the city to hold, operate, and run the railway.

As a matter of fact only a comparatively small part of the railway authorized by the incorporation has ever been built, and it would occur to me that the advisability of the withdrawal of the railway from the jurisdiction of Parliament might be considered. An analogous action was taken by Parliament in the case of the Montreal Park & Island Railway, 1-2 George V., c. 115, under which that company was authorized to enter into an agreement with a number of provincially incorporated companies named for conveying or leasing to such companies or any of them, in whole or in part, its undertaking including its charter, contracts, franchises, rights, powers, privileges, exemptions, and also the lands, railways, rights of way, works, plants, machinery and other property to it belonging.

Should the city adopt this suggestion appropriate legislation would enable it to acquire the Grand Valley Railway and operate it under its existing provincial powers under the supervision of the Ontario Railway & Municipal Board.

I might add that the only other municipality to my knowledge operating a railway subject to Dominion jurisdiction is the city of London, Lessee of the London & Port Stanley Railway.

In this instance express power was conferred on the city to "make, complete, equip, operate, alter, maintain, and manage the railway," 4-5 George V, chapter 96, section 2, and section 5, conferred on the London Railway Commission "the whole management and control of the making, completion, equipment, operation, alteration, and maintenance of the said The London and Port Stanley Railway for and as the agents of the corporation."

Concurred in by Commissioner McLean.



6 GEORGE V, A. 1916

APPLICATION OF MISS GERTRUDE LAKEMAN, ASPDIN WOMEN'S INSTITUTE, ASPDIN, ONT., RELATIVE TO DANGEROUS CROSSINGS BETWEEN ASPDIN AND HUNTSVILLE, ONT., ON THE TOWN LINE BETWEEN STISTED AND STEPHENSON, ONT..

APPLICATION OF THE ASHWORTH WOMEN'S INSTITUTE PER MRS. WM. H. DEMAINS, ETWELL, ONT., FOR AN UNDERGROUND PASSAGE BENEATH THE RAILWAY LINE ON THE TOWN LINE BETWEEN STISTED AND STEPHENSON TOWNSHIPS, LOT 31, AT WHAT IS KNOWN AS "UNION SCHOOL CROSSING."

Judgment, Mr. Commissioner McLEAN, March 5, 1915:

Application is made by Miss Gertrude Lakeman, on behalf of the Aspdin Women's Institute, drawing attention to the alleged dangerous condition of a railway crossing on the Grand Trunk railway between Aspdin and Huntsville, on the town line between Stisted and Stephenson, in the district of Muskoka, and asking for an inspection of the crossing. The application does not set out what protection is asked for.

Accompanying the application is a resolution of the municipality of Chaffey stating that it endorses the action of the Aspdin Women's Institute in applying to the railway for an underground crossing. A similar resolution from the municipality of Stisted also is attached to the resolution; and, further, there is a resolution of the town of Huntsville endorsing the application for an underground crossing.

There is also on file a letter from the secretary of the Ashworth Women's Institute asking for the construction of an under-crossing at the point in question. In this application, it is stated that the approach from Stisted north does not give a view of the track from the south, and that trains come very suddenly in view when people are near the track.

The railway in its reply states that a subway at the crossing would cost approximately \$4,000, and it is of opinion that this expense is unnecessary, it being stated that whatever additional protection is necessary might be obtained by cutting down some trees in the northeast corner.

The crossing is on the town line between Stephenson and Stisted. The town line at this point runs, roughly, east and west. The side line between lots 30 and 31 runs north and south intersecting the town line. It is, however, not continued across the right of way of the railway. At a point north of the right of way and adjacent to the school-house, the traffic of the side line is diverted into the town line, thence continuing easterly to the crossing of the right of way on the town line. South of the track, the traffic is again diverted westerly from the town line and into the side line. The crossing on the town line is a skew crossing. The railway right of way crosses the town line at an elevation. The level of the track is about 10 feet above the level of the surrounding land on the east side of the right of way, and is about 20 feet above the level of the surrounding land on the west side.

The matter has been inspected on the ground both by the board's Engineering Department and by its Operating Department, and it appears that by certain improvements in the grade of the approaches and certain additional matters yet to be set out, the situation can be adequately taken care of. The grades of the approaches are not according to the board's standard requirements of 1 in 20; they are, in fact, about 1 in 15.

Approaching the track from the west on the town line, there is on the north side of the right of way a ridge which is about 4 feet below the level of the track. This ridge is located about 800 feet west of the crossing. West of this ridge there is nothing to obstruct the view of approaching trains.

From the ridge, there is a view which covers as far as the crossing. At 300 feet west of the crossing, trains can be seen 200 feet east of the crossing; and looking backward from this point, there is a view of about 1,200 feet in regard to trains approaching from the west. It should, of course, be noted that the traveller is here

## SESSIONAL PAPER No. 20c

travelling in the same direction generally as a train approaching from the west, and is approaching the track at an angle which interferes with the efficiency of his view in regard to trains from the west.

The side line already referred to, approaching the crossing from the north, has the following situation: The southwest corner of the intersection between the town line and the side line has the vision obscured by some clumps of trees. When the traveller is within 200 feet of the crossing, he has, looking west, a view of approximately 1,200 feet. At the southeast corner adjacent to the school-house, there are also some clumps of trees, which, however, are not of such growth as to obstruct the view to the same extent as at the southwest corner; so, at a point about 200 feet from the crossing, the traveller has a view of about 2,000 feet of trains approaching from the east.

As indicated, the town line runs, roughly, east and west. Approaching the crossing on the town line from the east, there is, at a distance of about 400 feet from the crossing, a house on the north side of the road, from which point there is a view of about half a mile northeasterly; and from a point about 300 feet from the crossing, there is a view of about three-quarters of a mile in the same direction.

Looking southwesterly along the railway, there is a view at any point within 500 feet of the crossing of about half a mile.

As pointed out, the obstacles in the way of vision are the ridge, as referred to, and the trees at the southeast and southwest corners of the intersection of the side line and the town line.

As already indicated, the crossing has no approaches built on grades in accordance with the board's standard requirements. These approaches must be built to the board's standard requirements, that is to say, a 5 per cent grade; this work to be done by the 15th of June. The approaches have also to be widened to 20 feet, which is the board's standard requirement; this work also to be done by June 15. The board's standard requirements in regard to fencing are also to be complied with by the same date.

At the southeast corner of the intersection of the side line and the town line, there are some small trees on the right of way which the railway has undertaken to remove. There are also located on the school-house lot some small trees adjacent to the road, which if cut down by the municipality will still further improve the view.

The ridge west of the intersection of the side line with the town line has been referred to. In building the approaches to a 5 per cent grade, the railway will make use of the material contained in this ridge, thereby improving the view at this point. This will cut down the ridge by at least 2 feet, thereby adding at least 200 feet of view.

One phase of the complaint is that with the existing condition of approaches, people approaching the track from one side have not a view of people driving up the track on the other side. In regard to this, it may be said that the effect of the improvements to the grades on the approaches will be that any person driving up one side can, when within 100 feet of the crossing, see a person driving up from the other side who is at a point within 100 feet; that is to say, there will be a clear view on the approaches of 200 feet.

The necessity of constructing an under-crossing or subway at this point has been earnestly pressed upon the board, the elevation of the right of way being a factor which the applicants have considered. The railway has, in its reply, stated that there have been no accidents at the point in question; and the applicants say that the question of the absence of accidents is not a test by which the necessity for protection is to be measured. The applicants are quite justified in saying this, and the board has, of course, never taken the position that it will not deal with protection at a crossing unless there has been a fatal accident at that point.

However, the board has to look at the matter from a general standpoint. It has to be recognized that the traffic at this point is not heavy, the settlement being

6 GEORGE V, A. 1916

admittedly sparse. The board in dealing with an application of the Board of Trade of Georgetown, in regard to the construction of a subway under conditions which in point of the elevation of the right of way were even more favourable for separation of grades than in the present application, used the following language:

"It would be not only in the public interest but eminently agreeable to the board, if it were possible, either by elimination or protection, to deal with all existing level crossings at one time; but this is out of the question. The board must in fairness consider the ability not only of the municipality but also of the railway to contribute to the cost of protective works; and it must, therefore, in dealing with such crossings take first of all the most dangerous ones; and while opinions may differ, it appears to me that the crossings where the traffic is more dense should be looked after first."

What there was said is pertinent here, and all that the board is now justified in doing is to have the improvements made which are covered by the directions above given.

Concurred in by Chief Commissioner Drayton and Commissioner Goodeve.

APPLICATION OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY FOR AUTHORITY TO REMOVE STATION AGENT FROM COWICHAN, B.C.

Judgment, Chief Commissioner DRAYTON, March 11, 1915:—

It is true that the earnings at this station fall below the amount requisite under the board's general order dealing with the appointment and maintenance of station agents, so that on the face of it, it would appear that effect should be given to the company's application. However, an analysis of the figures shows that the passenger business is abnormally large, amounting to 42 per cent of the total takings, which, while below the ordinary requirements, are still considerable, and the express business amounts to 14 per cent of the same, while the freight business amounting in all to 44 per cent, is largely L.C.L. business.

With a business of such a character a station agent is much more required for the proper transaction of business than at many stations with far larger gross earnings, where the business is chiefly confined to carload movements.

I am of the opinion that the application should be dismissed.

Commissioner Goodeve concurred.

CANADIAN CHINA CLAY COMPANY *v.* CANADIAN NORTHERN RAILWAY COMPANY, *et al.*

Judgment, Chief Commissioner DRAYTON, March 15, 1915:—

This is a complain made by the Canadian China Clay Company, Limited, in respect of rates charged on clay from the company's works at Huberdeau, in the province of Quebec, the terminus of the Montford branch of the Canadian Northern Railway: the distance by freight train movement being 105 miles from Montreal.

The case was listed for hearing at Montreal on January 29, 1915, but was not then concluded, leave being given the railway companies interested to put in joint rates which were stated to be in contemplation, or to make any submissions they desired on the question of rates.

The position of the applicants is perfectly clear. They point out that the cost of production is relatively high, owing to the fact that they have to pay a wage of \$2 a day for nine hours work, while the clay with which they enter into competition is mined in Cornwall at a wage cost of twenty shillings a week; that the climatic



## SESSIONAL PAPER No. 20c

conditions in England permit open working throughout the entire year, while in Canada they are such that the operation has largely to be carried on within buildings which, of necessity, have to be heated; and that the applicants are at considerable loss resulting from the employment of men unfamiliar with the new industry, while the Cornwall producer enjoys an unlimited supply of men more or less skilled in the working of clays.

In so far as these different considerations are concerned, the board can give effect to none of them in connection with any rate question. It has been held time and again that rate-regulating commissions have no right whatever to attempt to equalize geographic, climatic, or economic conditions. They are concerned simply and wholly with the question of the reasonableness of the toll which the railway company is seeking to collect for the carriage of a given commodity, irrespective of how it is made, or whence it comes.

The applicants also point out that their cost is further enhanced by the fact that their mines are seven miles from the railway track, necessitating a long wagon haul over rough roads with bad grades. If the output is sufficient, manifestly the proper way of meeting this difficulty is by the construction of an industrial track. It, again, is not a factor which the board has any right to take into consideration.

Clay from Cornwall for Canadian delivery via Canadian ports is unloaded at Montreal. It moves under through bills of lading at a through rate to the point of destination. The charge made by the Canadian rail carrier is in reality its proportion of the through rate from the English port of shipment.

The applicants contend that the import rates from Montreal on the English clay should not be lower than the rates on clay to like destinations from Huberdeau.

Without dealing specifically with this particular issue but with the general principle, it may be said that if the board were to adopt the principle that the import rail rate, practically a proportion of the through rate, could never be lower than the local rate, a serious dislocation of business would result. The whole situation is competitive. Any change in the rate scheduled which would advance the railway import rates, which represent part of the through movement, would simply mean that business that is to-day done at the Canadian port would be moved through New York or some other port in the United States unless similar advances were made by American carriers.

It is not, however, necessary for the disposition of this case to deal with the Montreal import situation at all, owing to the rates which the railway companies have voluntarily agreed to put in from Huberdeau.

The request of the company is, as stated, that the Huberdeau rates to points west should be the same as the Montreal rates; but Huberdeau is from 60 to 80 miles farther than Montreal from the majority of the western destinations. In addition to this, most of the points which the applicants desire to reach are on the lines of either the Grand Trunk or the Canadian Pacific.

It is elemental that for a given distance where two lines have to be employed as against the one the rate is greater. The cost is greater, there being double book-keeping and the cost of the transfer.

To the nearest destination required, namely, Cornwall, Ont., the distance from Montreal is but 68 miles; from Huberdeau, 148 miles. The railway companies' offer is 10½ cents, while the Montreal import rate is 8 cents. It is obvious at a glance that the 10½ cent rate is, relatively, the lower.

6 GEORGE V, A. 1916

So far as the other stations are concerned, the situation is as follows:

To	Special Import from Montreal.	Present Rates from Huberdeau.	Rates now conceded.	Rates from Huberdeau based on Montreal rates irrespective of transfer or other two line cost.
Campbellford.....	11	15	14	14½
Port Hope.....	11	15	14	13
Toronto.....	11	15½	14	13
Hamilton.....	11	15¾	15	13½
Dundas.....	11	15¾	15	13½
Georgetown.....	11	15¾	15	13½
St. Catharines.....	11	16½	15	13
Merrittton.....	11	16½	15	13
Niagara Falls.....	11	16½	15	13
Espanola.....	15	22½	19	15½
Sault Ste-Marie.....	15	24½	19	15½

It would, of course, be a pleasant thing to be able to assist the industry and to help in developing the china clay business in Canada, but it is impossible, under these circumstances, for the board to order any lower rates than those which the railway companies have now conceded.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

APPLICATION OF THE MUNICIPAL COUNCIL OF TRENTON, ONTARIO, FOR INTERCHANGE  
BETWEEN THE C.N.R. AND THE C.P.R. AT TRENTON.

Judgment, Assistant Chief Commissioner Scott, March 19, 1915:

When this application was originally made, the municipal council wanted interchange between the C.N.R., C.P.R., and G.T.R., as well. Upon the matter being brought to the attention of the railway companies, the Grand Trunk Railway Company by letter from its General Solicitor, Mr. Chisholm, advised the board on October 10, 1914, that it had undertaken to amend its switching tariff to provide for interchange between that company and the C.N.R. at Trenton.

With regard to interchange between the C.N.R. and C.P.R., the board sent its Traffic Officer, Mr. Brown, to Toronto, to report on the traffic conditions to see whether there was necessity for the interchange applied for. Mr. Brown in his report dated November 11, states:

"I estimate that in normal years there would be an interchange of from 800 to 1,000 cars per annum, and I believe there is a public necessity for such an interchange."

Copies of that report were furnished to the railway companies interested.

At the sittings of the board on the 2nd of March, the board announced that there should be interchange at Trenton between the C.P.R. and the C.N.R. and that the location of the connecting tracks was reserved. The matter was referred to the Board's Assistant Engineer, Mr. Simmons, who has made an inspection on the ground and who recommends that the interchange be put in to the west of the C.P.R. bridge over Ontario Street subway connecting the C.P.R. commercial spur with the C.N.R. yard and roundhouse spur in the vicinity of the junction of Sophia and Ontario streets. The railway companies will be sent a sketch prepared by Mr. Simmons, showing the proposed layout. The board adopts Mr. Simmons' recommendation as to the location of the interchange.

## SESSIONAL PAPER No. 20c

The work should be done by the C.P.R. at its own expense, as by the interchange it will be given access to a number of industries now served by the C.N.R. There will be little or no compensating advantage from the interchange to the latter railway. However, the board is satisfied that the interchange is necessary in the public interest.

The C.P.R. should file plans of the interchange tracks for the approval of an engineer of the board, within 30 days, and the connecting tracks should be installed within 30 days from the approval of the plan.

An order should go accordingly.

Commissioner Goodeve concurred.

COMPLAINT *re* INSUFFICIENT SERVICE ON THE CANADIAN NORTHERN RAILWAY FROM TRENTON  
TO KINMOUNT JUNCTION.

Judgment, Chief Commissioner DRAYTON, March 19, 1915:

Different complaints have been recently made of insufficient service on the Canadian Northern line running north from Trenton to Kinmount Junction. Complaints have been received from Maynooth, Trenton, the municipal council of the county of Hastings, Bird's Creek, Hyba, Coe Hill, Gooderham, and Lindsay.

Under the old time table, a train leaving Trenton for Maynooth, a distance of 101 miles, at 7.15 a.m., arrived at Maynooth at 12.15 p.m. The train returned from Maynooth at 1.05 p.m., arriving at Trenton at 5.30 p.m.

In addition to this passenger service, a daily freight service was provided. A mixed train was also run from Trenton to Coe Hill, a distance of 72 miles. The train was scheduled to leave Trenton at 1.45 p.m. and arrive at Coe Hill at 5.45 p.m. In the morning, the same train was scheduled to leave Coe Hill at 6.30 a.m., arriving in Trenton at 10.05 a.m. A daily mixed train service was also given from Bancroft to Kinmount, a distance of 53½ miles. The train left Bancroft at 10 a.m., and arrived at Kinmount Junction at 2 p.m., and returning left Kinmouth at 3 p.m., and arrived at Bancroft at 6.30 p.m. This service has been entirely changed by the new timetable that has given rise to the complaints. The direct train service from Trenton to Maynooth disappears altogether. In its place, a train service is supplied from Trenton to Bancroft, a distance of 86 miles. The train is not only a mixed one, but also has to handle the less than carlot business. Under the new running time, this train leaves Trenton at 7.15 a.m. and arrives at Bancroft at 2 p.m. Going south another mixed train leaves Bancroft at 10 a.m., and arrives at Trenton at 5.30 p.m. The business from Bancroft to Maynooth now consists of a tri-weekly mixed service, the train leaving Bancroft at 6 a.m., arriving in Maynooth at 7 a.m., and returning leaving Maynooth at 8 a.m. and arriving in Bancroft at 9 a.m.

The service to Coe Hill is continued as heretofore with the exception that the daily train is also obliged to do the L.C.L. business. The train leaves Trenton at the same time as formerly, but arrives at Coe Hill at 7 p.m., instead of at 5.45 p.m.; and on the south run the train leaves at 5.30 a.m. instead of 6.30. The daily service to Kinmount is discontinued. In its place a tri-weekly mixed service has been inaugurated, with no change in the former running time. No change was required in the running time in this instance, because the Kinmount train always looked after the L.C.L. business.

With every desire to assist the company, in view of the present financial business conditions, I am of the opinion that the new schedule affords an entirely insufficient train service, and has been drawn up without any proper regard for the requirements of the district that the railway company is supposed to serve, even in view of the present business situation.

In so far as the new service from Trenton to Bancroft is concerned, no objection could well be taken to the service being reduced to a mixed service, so long as proper



time was made. There seems to me, however, to be every objection to this train doing the L.C.L. business on a run of this length and with the traffic of stations that there are on this line.

Although the running time has been lengthened to the extent that a train which formerly arrived at Maynooth at 12.15 only reaches Bancroft (a point 15 miles short of Maynooth), at 2 p.m., the running time is not being observed. The investigation that the board has made shows that for 12 consecutive days the train was only once on time. It is but fair to state that, so far as one day is concerned, the 2nd of February, the service was cancelled on account of the storm. The day before the storm, however, the train was one hour and seven minutes late; the 4th February, the next day the train was operated after the storm, was the only day that it arrived on time, while on the 5th of February, it was one hour and fifteen minutes late. The service from Bancroft to Maynooth does not appear to have been put in with regard to anybody's convenience, as although the run is only a short one, it is timed in such a way that no one can leave Trenton for Maynooth without stopping overnight at Bancroft; and then, of course, the passenger must take care that he does not arrive in Bancroft on a day when the Maynooth train has left, as then, he will have to stay over an extra day in each case. In the same way no passenger can leave Kinmount for Maynooth without staying over at Bancroft. At Kinmount the connection is made with the Grand Trunk, and service on that particular branch, is therefore, more important than otherwise would appear having regard to a branch line of its character of but 53 miles in length.

The same delays that the L.C.L. business has occasioned to the train to Bancroft occur on the train to Coe Hill. Under the new time-table the train is supposed to arrive at Coe Hill at 7 p.m.

The following schedule is instructive:—

February 8th, arrived 11.00 p.m.;  
February 9th, arrived 11.30 p.m.;  
February 10th, arrived 7.15 p.m.;  
February 11th, arrived 10.30 p.m.;  
February 12th, arrived 10.05 p.m.;  
February 13th, arrived 11.00 p.m.

The change could never have been made on the ground of convenience to anybody. Its only attempt to be justified is on the ground of economy and diminishing business.

The company, in defence of its action, points out that on the run from Trenton to Bancroft and Maynooth, and before the schedule was changed, the passenger train earnings per mile dropped from 48 to 34 cents.

Undoubtedly if the question was to be one considered only from the standpoint of passenger earnings, it would be difficult to order an increase of the service. Under the particular circumstances of the case, I am of the opinion that they cannot be so considered. While passenger traffic has fallen off, there has been on the lines under consideration a substantial increase in freight earnings which have more than made up for passenger losses. A fair passenger service is essential in order to accommodate the business of the section served, that very business which has resulted in increased freight operations to the company.

The present schedule cannot be said to in the slightest degree consider that business interest or the convenience of the travelling public. In view of the present existing conditions, I am, however, of the view that all that should be at present ordered is that the company must restore the old schedule providing for the passenger train from Trenton to Bancroft and Maynooth to be run 3 days of the week and on the old time-table. From an analysis of the traffic, public convenience apparently will be best served by having this tri-weekly passenger service operated on Monday, Wednesday and Friday of each week. In so far as traffic on Tuesdays, Thursdays and Saturdays is concerned, the company must maintain its present service.

## SESSIONAL PAPER No. 20c

In so far as the service from Trenton to Coe Hill is concerned, the old service only called for a mixed train. Under the present service, however, the running time has been extended one hour south-bound and one hour and fifteen minutes north-bound, making a run north of five hours and a quarter (a distance of 72 miles), and south, four and a half hours.

There seems to be no reason why this service should not be operated under the former time-table, and an order should go accordingly.

There remains to be considered the complaint as to the change of time-table in effect from Bancroft to Kinmount Junction. This section of the line has always been operated separately. It connects on the west with the Grand Trunk at Kinmount Junction, and on the east at Bancroft with the Maynooth and Trenton line.

The line has been so operated as to make connection with the Grand Trunk; but connections have not been made at Bancroft with the Trenton train, with the result that passengers from south of Bancroft on the Maynooth-Trenton line have been obliged to spend the night at Bancroft before proceeding to Kinmount Junction. Owing to this lack of connection, a passenger from a point south of Bancroft desiring to go to points on the Kinmount-Lindsay branch of the Grand Trunk or on the Bancroft-Kinmount branch of the Canadian Northern would be obliged to stay in Bancroft until the following Wednesday. The traffic in this direction, however, appears to be very light, the movement of passengers being from the Grand Trunk over the Canadian Northern line from Kinmount Junction and through Bancroft to points south. My first impression was that the running time should be changed so that connections could be made at Bancroft with the train going to Kinmount Junction but in view of the report of the inspector apparently little or no good would be accomplished by this. As, however, this service works in close connection with the Grand Trunk Lindsay-Kinmount service, which is a daily service, and as I find that no real economy is worked in reducing the service from the former daily service to the tri-weekly service, owing to the fact that the train crews on this division of the Canadian Northern are paid by the month instead of by the run, I am of the opinion that the old service must be restored. Since the above reasons for judgment were written, further representations were made by Mr. Fritch, as follows:—

“Owing to the depressed business conditions we were obliged to take off the passenger service and substitute mixed service running daily between Trenton and Bancroft, and as service is very light between Bancroft and Maynooth, we substituted tri-weekly service for the former daily passenger service.

“The result of operations on the Ontario lines for the month of January shows a deficit of \$24,510.51. Our gross earnings were \$123,106.07, operating expenses, \$147,616.58, making a loss in operation of \$24,510.51.

“I beg to submit, in view of such unfavourable results we should not be required to put on train service which will result in further losses.

“The public justly criticised our original mixed service between Trenton and Bancroft because the local officials did not operate the service as they were instructed to do, but throughout the last two weeks we have divided the work of these mixed trains, and they are practically on time, therefore, the cause of the complaint originally has been removed.

“I would respectfully ask your indulgence during the remainder of March to allow us to continue the present service, and if at the end of that time it can be shown that we are not giving reasonable service we will then put on the tri-weekly passenger service; but I sincerely believe that at the present time we are giving as good a service as can be expected with the amount of traffic moving.”

So that no injustice would be worked a new inspection was made.

In his later report, the board's inspector says:—

"Replying to your request, I wish to say that I have made an additional trip of inspection and inquiry to see what changes have been made by the company since my first report, and I find that, so far as the Central Ontario division is concerned, the only change that has been made was with train No. 63, Trenton to Coe Hill. The work of this train has been somewhat divided between train No. 63 and train No. 61, the Bancroft Mixed Train, the Bancroft Mixed Train doing a portion of the switching and local work between Trenton and Ormsby Junction, thus enabling No. 63 to arrive at Coe Hill somewhere near its schedule arriving time. The following is a statement taken from the despatchers' sheet at Trenton, showing the arriving time of No. 63, from March 1, to March 16, inclusive:—

" March 1, arrive Coe Hill: 7.00 p.m., on time.
March 2, arrive Coe Hill: 7.20 p.m., 20 minutes late.
March 3, arrive Coe Hill: 7.00 p.m., on time.
March 4, arrive Coe Hill: 7.10 p.m., 10 minutes late.
March 5, arrive Coe Hill: 7.00 p.m., on time.
March 6, arrive Coe Hill: 7.45 p.m., 45 minutes late.
March 8, arrive Coe Hill: 7.30 p.m., 30 minutes late.
March 9, arrive Coe Hill: 7.05 p.m., 5 minutes late.
March 10, arrive Coe Hill: 8.45 p.m., 1hr. 45 mins. late.
March 11, arrive Coe Hill: 7.15 p.m., 15 minutes late.
March 12, arrive Coe Hill: 7.00 p.m., on time.
March 13, arrive Coe Hill: 7.05 p.m., 5 minutes late.
March 15, arrive Coe Hill: 7.00 p.m., on time.
March 16, arrive Coe Hill: 7.00 p.m., on time.

"This is somewhat of an improvement so far as the Coe Hill train is concerned, but No. 61, the Bancroft Mixed train, that is doing a portion of the Coe Hill train work, is not arriving at Bancroft, as it should, on time. The following is a record showing the arriving time of No. 61 at Bancroft from March 1 to March 16, inclusive:..

" March 1, arrive Bancroft: 2.20 p.m., 20 minutes late.
March 2, arrive Bancroft: 5.00 p.m., 3 hrs. late.
March 3, arrive Bancroft: 2.00 p.m., on time.
March 4, arrive Bancroft: 2.05 p.m., 5 mins. late.
March 5, arrive Bancroft: 2.00 p.m., on time.
March 6, arrive Bancroft: 2.30 p.m., 30 mins. late.
March 8, arrive Bancroft: 2.05 p.m., 5 mins. late.
March 9, arrive Bancroft: 4.00 p.m., 2 hrs. late.
March 10, arrive Bancroft: 4.00 p.m., 2 hrs. late.
March 11, arrive Bancroft: 3.15 p.m., 1 hr. 15 mins. late.
March 12, arrive Bancroft: 2.20 p.m., 20 mins. late.
March 13, arrive Bancroft: 5.30 p.m., 3½ hrs. late.
March 15, arrive Bancroft: 2.20 p.m., 20 mins. late.
March 16, arrive Bancroft: 3.00 p.m., 1 hr. late.

"You will see by these figures that the relieving of No. 63, the Coe Hill train, of some of the way work between Trenton and Ormsby Junction, has been the cause of more detention to the Bancroft train No. 61. Therefore, fail to see that there has been any improvement made whatever, and this is the only place there has been any change made. Conditions are the same between Bancroft and Maynooth.

"On Wednesday, March 17, I left Bancroft on No. 62, mixed train, for Trenton, and as for the conditions of this train, I must say the accommodatio



## SESSIONAL PAPER No. 20c

is bad, as it occupies from 10 a.m. until 5.30 p.m., to travel a distance of about 80 miles. This train had to wait at nearly every station between Bancroft and Trenton for time. No. 62 could leave Bancroft at the same hour, 10 a.m., and arrive at Trenton at 4.30 or 4 p.m., as No. 62 does not do any switching of any account on the southbound trip. It merely handles the coaches and through loads."

I see no reason why any changes should be made as the result of the later representation. While it is true that the operations on the Ontario lines show a deficit as pointed out, this deficit is the result of operation of lines which can hardly be said to have passed beyond the construction stage. The returns are not a fair indication of the results of Ontario business, and it should be pointed out that while there have been decreases in the passenger service on the traffic on the Trenton-Maynooth and Bancroft line, in the period under review, of \$1,196, as a matter of fact there was an increase in freight traffic of \$7,062 resulting in a net increase of \$5,866 in the earnings of the line for January. Under present conditions, the showing is unique. It is quite evident that whatever conditions may be upon other portions of the Canadian Northern's system in Ontario, the line in question cannot be blamed for the general unsatisfactory traffic return.

Commissioner McLean concurred.

CAMPBELLFORD, LAKE ONTARIO & WESTERN RAILWAY COMPANY'S APPLICATION TO REVISE  
LOCATION OF ITS COMMERCIAL SIDING AT TRENTON, ONT.

Judgment, Assistant Chief Commissioner SCOTT, March 19, 1915:

By Order No. 21971, dated June 9, 1914, the board approved of the Ontario street commercial spur of the Campbellford, Lake Ontario & Western Railway Company (C.P.R.) at Trenton. The applicants now ask that the location of the spur, where it passes through the subway carrying Ontario street under its main line track, be changed so that the existing track of the C.N.R. through the subway can be used for a short distance so as to provide for one track on Ontario street through the subway instead of two. Before the order was issued approving of the C.L.O. & W. spur on Ontario street, the board visited the location in question and was satisfied that by blanketing the space between the tracks, the lines of the two railway companies could be placed through the subway without impairing its usefulness for vehicular traffic. It is apparent that the object of the C.L.O. & W. in applying to use the tracks of the C.N.R. is to enable it to get access to the property of the Canadian Creosote Company over the tracks of the C.N.R. which now serve the Canadian Creosote Company's property. This is strenuously opposed by the C.N.R.

The board has decided that there should be interchange tracks between the C.N.R. and the C.L.O. & W. at Trenton. It is suggested that the change which the C.L.O. & W. applies for would enable the two companies to interchange. On the recommendation of its engineer, the board has decided that the interchange between the two companies should take place at a point some distance to the northwest of the subway in the vicinity of the junction of Sophia and Ontario streets.

The board is opposed to allowing one railway company to use the tracks of another, unless it is absolutely necessary in the public interest. The interchange at Trenton can be arranged without the use of the tracks of the C.N.R. by the C.L.O. & W.

Since there is to be interchange at Trenton, cars from the C.P.R. to or from the Canadian Creosote Company's property can be interswitched by the C.N.R. There is, therefore, no necessity for the change in its commercial spur applied for by the C.P.R., and I think the application should be dismissed.

Commissioner Goodeve concurred.

6 GEORGE V, A. 1916

APPLICATION ESSEX TERMINAL RAILWAY COMPANY FOR AUTHORITY TO CONSTRUCT BRANCH  
LINE TO AND ALONG RUSSELL STREET IN THE TOWN OF SANDWICH, ONTARIO.

Judgment, Chief Commissioner DRAYTON, March 23, 1915:

The application is one made by the Essex Terminal Railway Company, under section 222, for authority to construct a branch line from a point on lot No. 59, town of Sandwich, formerly in concession one of the township of Sandwich, to and along Russell street, from the northerly limit of Lot 59, to the southerly limit of Huron street.

The case was heard at a sitting of the board held at Windsor on March 13, 1915, and after the hearing judgment was reserved so as to enable an inspection of the *locus* to be made by the board. A view was subsequently had at which the different parties interested were present.

Mr. Fleming, who appeared on behalf of the railway company, filed a petition signed by the owners of property fronting on Russell street.

This petition was addressed to the mayor and council of the municipality asking that such action should be taken as would be necessary to secure the extension of the railway along the west side of Russell street, as is proposed in the company's application.

The petition is signed by some eleven owners.

It was stated that the frontage owned by property holders signing the petition amounted to 2,540 feet, with the exception of Mr. Henderson's property. It further appeared at the hearing that Mr. Robert E. Stuart, who owns a large frontage on the west side of Russell street, being perhaps the largest individual owner, but who had not signed the petition, was also in favour of the proposed railway construction on the street.

The application is opposed by other property owners. Mr. Bartlett appeared for Mr. Norman Allen, who represented as he stated a total frontage of 2,416 feet. Mr. Morton and Mr. Henderson also appeared for other property holders in opposition to the proposal.

Mr. Rodd appeared for Miss Gauthier, as well as other property owners. He desired that property owners should be compensated for any damages resulting to their property by reason of the construction proposed, but was of the view, apart from this question, that the highway was one merely in name, and that the construction of the railway should be authorized subject to the condition as to compensation. Mr. Bartlett, who may be regarded perhaps as the chief contestant was very frank in his statement as to the character of the property that would be affected. On being asked as to the character of the property from South street south, he stated:

"From South street south where the marsh is, it would undoubtedly cost too much to make it suitable for residential purposes, I think there is no doubt about that."

Mr. Fleming asked him:—

"May I ask one question? Is it possible for that property from this point to be used on the west side for anything but manufacturing purposes?"

Mr. Bartlett's answer was:—

"I do not think it would be; but I do not see any prospect for its being used for industrial purposes in the near future."

Mr. Rodd agreed that the property in the future must be industrial.

The district from South street south to the present terminus of the railway and running almost entirely along Russell street with the exception of a small block of land owned by Miss Gauthier and the Canadian Salt Company gives a Russell street frontage of approximately 3,000 feet. Out of the whole of this frontage, in so far as property

## SESSIONAL PAPER No. 20c

on the west side of the street is concerned, which is much more immediately affected than property on the east side, as it is intended to place the railway on the west side of the street, the only owner shown to be against the proposal is Mr. Rhineholt Glunns, the owner of lot 24, with a frontage of some 200 feet. The construction contemplated north of South street runs some 1,700 feet to Huron street. The whole of this construction is not necessary, the objective point sought to be reached being the premises of the Cadwell-Sand Company. These premises could be reached by a railway running along the street only as far as lot No. 11, a distance north of South street of some 1,100 feet. The houses on the west side of the street are north of South street. Some of them are owned by the Cadwell-Sand Company, and one owner, apparently uninterested either in the railway or Sand Company has signed the petition. Mr. Sale appeared for the municipality. The municipality's position was that it wanted the railway to be built, but that it should be constructed on the marsh lots lying to the west of Russell street. It objected to the occupancy of the street by the railway, owing to the fact that the street would be narrowed, a danger created, and that its construction would throw liabilities on the town which it should not be asked to take. So far as the last point is concerned, there would, of course, be no liability on the town, as in case the railway is authorized, the company must maintain that part of the highway occupied by its tracks and 18 feet on either side, as well as all street crossings, so that the municipality would be put to no increased cost or liability in connection with the construction.

The necessity for the spur was stated by Mr. Woollatt of the company's executive as follows:

"As far as the Essex Terminal is concerned, we have constructed a line here (down to the Canadian Salt Co.) at a very great expense. The biggest industry we have is the Canadian Salt Company, but the revenue at present does not begin to meet the interest on the investment. We are, therefore, very desirous of getting all the industries possible located on the line; and we are anxious, of course, to extend this, not only for the proposed factory, but for others that we believe will come, because it is all factory property. We have some thirty-eight factories.

"The Windsor factory district is practically taken up. There is a new factory district in here (to the east) practically taken up. There is some vacant land in Walkerville, some in Ford, and some still down here; but no such desirable property for large industries as on the water front and down to this section."

Mr. Henderson of the Canadian Salt Company appeared in support of the application. In his view the district that would be served by the railway, if constructed, is one of the most desirable in the whole country for industrial works; and, if the track is laid, industries will be attracted to the neighbourhood.

Mr. Henderson, from his own experience in industrial work and from his activities as an officer of the Canadian Manufacturers Association, is particularly well-qualified to pass an opinion on the subject that he covers.

On the view which subsequently took place, I am of the opinion that there is really but little doubt, if any, as to the best future for the property, and that the use to which it could be best put from a revenue producing standpoint is industrial.

There is really no issue on the question, as Mr. Bartlett himself admitted that the property was too low and that it would cost too much to fill in for residential purposes. The only other use to which it would occur to me the property could properly be put to would be for park purposes. This was not suggested either by counsel for the municipality or by any person else at the hearing when taking the view.



6 GEORGE V, A. 1916

If the question is one to be considered from the standpoint of property owners and the best ultimate development of the immediate district, apart from any other conditions, the application, therefore, should be granted. Can the question be so considered? I think not. I think it is impossible to say that the municipality's objection to the use of the highway is captious or unreasonable. While it is true that the fee of highways is vested in the Crown in the right of the province for all material purposes, the occupancy of city streets by railway track is a question in which the public right is entirely and adequately represented by the municipality. Tracks have been laid along and across streets with municipal consent; and the municipality's objection to the occupancy of Russell street is entitled to the fullest consideration.

As a matter of law, there is no doubt at all as to the right of the board to authorize the proposed construction. Prior to the constitution of the board, section 238 of the Railway Act of 1888 dealt with the question. The material part of that section reads as follows:—

"The railway shall not be carried along an existing highway, unless leave therefor has been obtained from the Railway Committee. . . ."

Objection had been made from time to time by municipalities against the use of highways for railway purposes; and an effort was made by the Union of Canadian Municipalities, especially supported by some of the larger cities, to obtain a change in the law, so that no railway could be carried along a highway, even although the railway committee, or the board, was of opinion that the construction should be authorized.

The ever increasing franchise value of rights to operate surface railways in large centres was specially urged; and a change was made in the Act. The material part of the section in question, 235 of the present Act, reads as follows:—

"The railway may be carried upon, along or across an existing highway upon leave therefor having been first obtained from the board as hereinafter authorized: provided that the board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, unless the company has first obtained consent therefor by a by-law of the municipal authority of such city or incorporated town."

The effect of the statute, of course, is to recognize the paramount interest of the municipality and require its consent as a condition precedent to the construction on the highway, so far as all street railways or tramways are concerned. The franchise rights that I have referred to are fully protected. On the other hand, Parliament has continued the right of railway construction of railways of the character with which the Railway Act is really concerned, not only across but along the highway. The railway in question is certainly not within the proviso. It carries on merely a freight business and is, in fact, a terminal freight railway, acting as a distributor of freight brought in by the steam lines and a collector of freight to be taken out.

As a matter of practice, the board, in certain cases where railways were constructed along highways, directed compensation to be made to property owners in front of whose property the railway was constructed. On its being held that the board had no power to compel the payment of these damages or to add to the company's liability as prescribed by the appropriate sections of the Act, an amendment was made to section 235 in the year 1911. The amendment strikes out the first words "the railway" of the section and substitutes therefor "subject to the company making such compensation to adjacent or abutting landowners as the board deems proper the railway of the company." This is the provision on which Mr. Rodd relies for his claim as authorizing an order directing compensation to be made to certain property owners.

SSIONAL PAPER No. 20c

I am of the opinion, however, that the application should be refused. While the application is meritorious in the sense that a railway is required, that the district in question will undoubtedly be benefited to a greater or less extent by its construction, and that the proposal is supported by a majority of the property owners, I see no reason why the municipality should be compelled to contribute to the undertaking supplying a free right of way. Besides this, there are other grave objections.

I am of the opinion that the worst possible place to construct a railway is along a highway. The interference of the proper use of the highway is not to be questioned; and it is only a question of time, in most instances, before the conflict of the rival uses becomes highly objectionable.

As things are now, I am free to admit that a track down Russell street would make little or no difference. The street is unimproved; there seem to be only two uses on it from South street to the Salt works, and those on the east side; there is little or no traffic on it to be much inconvenienced by the railway. But, on the other hand, Mr. Henderson properly urges its construction by reason of the fact that industries would be established and the line would become busy and useful. If this happened, manifestly the street would also become busy and the conflict between highway use and railway operation would become apparent. The application should be refused.

The lot-owners to the west of the street, who are so much interested in the construction of the line, could, one would think, arrange for a right of way through their properties at a cost which would not prohibit the undertaking. These landowners could be benefited by the construction of the railway; and it is only fair that, in the first instance, they should supply the right of way for the railway which would benefit their property and which they desire the city to give free of cost, or, on the other hand, if exorbitant sums are demanded for the right of way, that their property should continue without railway facilities, rather than that the municipality should be obliged to contribute towards furnishing them.

It may be said that in a case like the present, where the construction of the line would be of obvious advantage, that the board is not properly exercising the discretion placed upon it by the Act; and that, in view of the above findings, justified both by the evidence and by the view, an order should be made as asked. I do not so regard the question at all.

Civil, municipal and provincial rights have, to an extent, of necessity to be regarded if a Dominion railway is to be constructed. Streets must be crossed; and I have no doubt that instances might arise where it would be practically impossible to construct a railway, unless it is laid along a highway; so that, unless in such instances the right is reserved to the board to authorize such construction, the object of the Dominion incorporation might be entirely defeated or fail in some main purpose or object. Such conditions are entirely lacking here. The only difference of construction along the street on the one hand and on the property to the west on the other, is the practically small item of cost which the company would incur by obtaining a right of way through what is largely an unimproved marsh area.

Effect must be given to the municipality's objection.

On asking counsel representing property owners to the west of the street why the railway should not be constructed through their property, the objection was made that this was the case they would no longer be able to obtain access from their property fronting on the water front to the highway. There is no force whatever in this contention.

The line of the Canadian Pacific railway, for example, south of the Esplanade, in Toronto, was constructed on land acquired from the property owners. It was built directly between the only outlet these owners had from their properties; but, with proper and adequate crossing facilities reserved in each instance.

If the railway is constructed immediately south of the street, similar arrangements could be here made. If, on the other hand, the line is constructed farther to the west, so as to carry the railway more to the centre of the properties interested in this, there would again be no difficulty in arranging for crossings in the nature of farm crossings, so that access could be had from one part of the property to the other.

Commissioner Goodeve concurred.

APPLICATION OF THE DEPARTMENT OF PUBLIC WORKS, ONTARIO, *re* CROSSING C.P.R. TORONTO SUDBURY BRANCH, LOT 10, CON. 3, TOWNSHIP OF BURWASH.

Judgment, Chief Commissioner DRAYTON, March 24, 1915:

The Department of Public Works of Ontario applied for the establishment of a highway crossing at a point some 300 feet north of the station at Burwash.

As to the necessity of a crossing at some point in the neighbourhood, owing to the improvements now being made there by the Ontario Government, there is no doubt.

The company, in its answer to the application, points out that the point where the crossing is proposed to be made is in the centre of its yard, that its position is very objectionable, because trains using the sidings would have to cut at the crossing with the result that the view would be interfered with owing to cars standing on either side; and the company submits that the crossing should be placed at the end of the yard, where the main line only would be crossed and there would be no interference with the siding.

The Department of Public Works, in their answer to the company's reply, object to a crossing at the end of the yard on the grounds:—

1st. That the Ontario government industrial farm of 11,000 acres is situated south of Burwash station. The approach from the south to the station east of the railway is represented as physically impossible, owing to its rough, rocky character. If the crossing were located at the northerly end of the yard, it would be about 4,000 feet added travel on every trip from the farm to the station.

2nd. That the general store and Burwash Post Office are situated immediately across the railway track from the station, and all traffic between them and the station would also be increased by 4,000 feet.

The board has had an inspection made by the engineer's office. From that inspection, it appears that the main siding at Burwash has a length of 4,122 feet, and that at the south end of the station grounds there is a subsidiary siding of 937 feet.

It is, of course, manifestly better, not only in the interests of railway operation but in that of public safety, that crossings should not be made in station grounds but should be made, if possible, where only one line has to be crossed and the view cannot be obstructed by standing cars.

The engineer, however, reports that it is impracticable to build a highway which could be accommodated with a crossing to the south-east of the station grounds owing to the peculiarly rocky and hilly formation of the ground. The engineer further reports that, as a matter of fact, for the convenience of settlers in the neighbourhood, the Canadian Pacific itself has already provided a crossing at the point where the Government requires a public crossing to be made; and that, the view being excellent, there would be little danger to the public if the crossing were allowed at the point where the department desires it.

Owing to the length of the siding, it is improbable that the crossing would necessarily be blocked by many trains. In case, however, the trains have to be cut at the crossings as pointed out by the company, it is to be remembered that, in such instances, the practice calls for the train-brakeman to stand at the crossing, so that he becomes, for the time being, a watchman over siding tracks.



## SESSIONAL PAPER No. 20c

Under the exceptional circumstances of this case, I am of the opinion that the order should go as asked.

The department in its application points out that, in the patent to the railway, 5 per cent. of the land patented is reserved for highways. The railway company, in the correspondence filed, say that more than 5 per cent has already been taken for this purpose. No reply from the department covers this question.

An order will, therefore, be made on the usual terms, that is, the cost of construction and maintenance to be on the applicant.

The right is reserved to the department to make application for the purpose of showing that the 5 per cent reserved has not been exhausted and is sufficient to cover the crossing in question, should it so desire.

Commissioner Goodeve concurred.

APPLICATION HULL ELECTRIC RY. CO. FOR APPROVAL OF STANDARD PASSENGER RATE OF  
2½ CENTS A MILE.

Judgment, Chief Commissioner DRAYTON, March 25, 1915:

The Hull Electric Company has applied to the board for an order approving its standard passenger rate which has been fixed at 2½ cents per mile.

In ordinary practice, standard rates, both passenger and freight, are filed before the company's operation commences. As contemplated by the Act, the rates must be approved before the company commences business operations. Such rates are, in effect, maximum rates, which may not be exceeded; but which are subject to considerable variations in practice.

The Hull Electric Railway has been a railway in operation for some time. It was in its inception a provincial company, and its operations did not become subject to the jurisdiction of the board until 1913, when an Act was passed declaring the road to be a work for the general advantage of Canada.

As traffic is moving, and apparently moving in a satisfactory manner, under special tariffs, there would seem to be little or no reason why a standard mileage tariff should be approved of. The company already appears to have tariffs sufficient to provide for any movement on its line.

The company, however, claims that it is necessary that its standard tariff should be approved, in order to properly conform to the Act.

The provisions of the Act dealing with the question are provisions which were drawn with particular reference to railways incorporated under it,—the standard tariffs both freight and passenger, having particular application to a new line which, as yet, was without special rates of any kind at all.

Although no useful purpose seems to be served by the approval of the standard passenger tariff, the company appears to be entitled to it. The company also claims that it should not be unfairly discriminated against, but that its standard tariff should be allowed at the same rate as standard tariffs for other electric roads to which the board has already given effect.

The standard rate of 2½ cents has been approved by the board in the case of the tariffs of the Chatham, Wallaceburg & Lake Erie Railway Company, the Grand Valley Railway Company, the Montreal and Southern Counties Railway Company, the Montreal Park and Island Railway Company, the Quebec Railway Light and Power Company and others. For the sake of uniformity, there would seem to be no reason why the same standard rates should not be here recognized, so long as it is understood that the recognition now given is merely a form for the purpose of making an exact compliance with the Act.

As before stated, usually the standard tariffs are approved of in the first instance, before anything is known about the earning powers of the line or the business it would

6 GEORGE V, A. 1916

develop, while in the present case, a good business has already been developed by the company's line.

Under the tariffs now on file, the present rate from Ottawa to Rivermead is 10 cents. On a standard of  $2\frac{1}{2}$  cents the rate would be 20 cents; and on a standard of 2 cents the rate would be 15 cents. To Wychwood, the present fare is 10 cents. This would become, on the  $2\frac{1}{2}$  cent standard 25 cents; and on a 2 cent standard 20 cents. The present rate to Victoria hotel, at Aylmer, is 10 cents. This would become, on the  $2\frac{1}{2}$  cents standard, 30 cents; and on a 2 cent standard 20 cents. The present rate to Queen's Park is 10 cents. On the  $2\frac{1}{2}$  cent standard this would become 30 cents; and, on a 2 cent standard 25 cents. The effect of adopting any standard rate would be to more or less interfere with the present rate schedule.

The past practice of the board will, therefore, be continued.

The company's returns for 1913 show a gross earning from operation of \$148,368.48 and a net return from operation of \$32,717.37. For 1914, a gross earning from operation of \$161,963.04, with a net earning of \$41,051.28.

Under such circumstances, the board's order should contain the provision that no toll now charged by the company for the carriage of passengers on its line is to be increased, unless permission of the board has been first obtained. It has to be clearly understood that the approval of the regular standard mileage rate is merely for the purpose of complying with the Act, and does not carry with it in the slightest degree any recognition that the company is entitled to advance any of its present rate.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

#### RE THE EDMONTON, DUNVEGAN AND BRITISH COLUMBIA RAILWAY.

Judgment, Chief Commissioner DRAYTON, March 26, 1915:

No part of this road has as yet been opened for traffic by the board, but complaints have from time to time been made against the practices obtaining on the railway, which, notwithstanding the fact that the road was not opened for traffic, carried both freight and passengers. This practice, as the board has more than once held, is entirely illegal. *Baker, Reynolds & Co. v. C.P.R.*, 10 C.R.C. 151; *re Brandon, Saskatchewan & Hudson Bay Railway Company*, standard tariffs, file, 3370; *Randall, Gee & Mitchell v. C.P.R.*, file 24292.

Several petitions have been received by the board as to service and facilities and complaints made against rates charged. For example, complaint was made by Mr. Hunt, of Swan River, with reference to a shipment weighing 2,410 lbs., forwarded to him by the A. MacDonell Company, Limited. The charges made by the J. D. McArthur Company, Limited, for transportation from the Edmonton to Swan River amounted to \$32.51 with a cartage charge of 96 cents, in all \$33.50. The rate under tariffs approved by the board for railways operating in Alberta on the same goods for the same mileage, would have registered under the railway rate of \$8.01 as against \$32.51. The Swan River Improvement Association wrote pointing out that the company charged \$120 for a car of oats from Edmonton to Swan River, and on provisions a rate of \$1.10 per 100 lbs. Under the railway tariffs approved by the board on other railways, the rate on a carload of oats of 30,000 pounds capacity would be \$60 a car and for the same movement of oats in a 60,000 pounds capacity car, with a minimum of 56,000 pounds, \$112. On produce, the rates would vary per 100 lbs. On a characteristic shipment, for example, of sugar, rolled oats and flour, the authorized rate is 34 cents a hundred pounds. On apples by the box 46 cents a hundred pounds.

On this matter being taken up with the Company, the only answer made is that the company is preparing a tariff which will be submitted at the earliest possible moment, and that freight has been carried to a limited extent by the contractor who is building the road, for the purpose of accommodating people going into the country.

## SESSIONAL PAPER No. 20c

Further allegation is made that, as a matter of fact, the service has been actually carried on at a loss to the contractor; and that, owing to the fact that the railway organization was not complete, every indulgence was asked by the Company.

It is only justice to state that undoubtedly there is a period after the line has been constructed that it is reasonably safe to run over it at a low rate of speed but that the organization and work have not approached that point where it is feasible to give approval to the company to equip its operating staff and do a regular business when shippers have been much inconvenienced by the company carrying goods, although the practice is entirely illegal; and it may well be that the freight and passengers carried, even at the high charge collected by this railway, were of benefit to the portion of the public using the service. The charges, however, claimed seem to be unreasonably high, even under the special conditions alleged.

The usual practice of the Canadian Pacific in such circumstances is to charge the usual standard rate without applying town tariffs, commodity or through rates.

The charges made by this railway do not appear to have been arrived at by any of these tariffs or to have been arrived at on any principle except as to that of how much could be charged without preventing traffic from moving at all. However, the board has no jurisdiction in the matter. It has no jurisdiction over railways so far as traffic is concerned, until the proper application is made to open for traffic. The question of the board's jurisdiction is fully covered by the authorities already cited. It may well be that, in these extreme cases, the necessity for a change in the Act is shown, and that for the protection of the public some provision should be made in connection with transportation charges, even before the road has passed the construction period.

The company has now made application for leave to open the road for traffic, and has also filed the tariffs as required by the Act.

The tariffs filed are on the mountain scale instead of according to the prairie standard fixed by the judgment of the board in the Western Rates Case.

Mr. MacDonald, who is acting for the company, urges that the higher scale, as a matter of simple justice to the railway, should be adopted. In support of the application, Mr. MacDonald has written the board as follows:—

“OTTAWA, March 25, 1915.

“Dear Sir,—The Edmonton, Dunvegan and British Columbia Railway Company, is authorized to build a line from Edmonton to the British Columbia boundary, 410 miles, and the bonds are guaranteed by the province of Alberta, as follows:—

Miles.	Per Mile.	Amount.	Rate of Interest.	Amount of Interest.
350	\$20,000	\$7,000,000	4 %	\$280,000
60	20,000	1,200,000	4½ %	54,000
410		\$8,200,000.		\$334,000

“It is completed to McLennan, 262 miles from Edmonton.

“In addition to the above a line is being built from township 77, range 19, west 5th meridian, to Peace River Landing, and another line is projected from about mile 350 from Edmonton or from township 78, range 6, west 6th meridian. There will also be a line from the main line to Grouard, an old settlement, on Lesser Slave lake.

“I beg to submit to your honourable body reasons why the tariffs filed should be approved by the board. It is not the desire of the company to ask the board for anything unreasonable. It feels, however, it is entitled to a schedule of rates that will help at least to pay its fixed charges:



6 GEORGE V, A. 1916

"(1) The Edmonton, Dunvegan and British Columbia should not be considered in the same category as a through line and enjoying long hauls at profitable rates but as a colonization road going into a new country to develop and establish a business which will take some years, and means considerable financial risk.

"(2) The fact that the Canadian Northern railway for reasons, financial, strategical, or otherwise, thought it fit to establish or to accept the prairie scale of rates from Edmonton to Athabasca is no reason why that scale should be imposed on other roads going into that vast, undeveloped, northern country.

"(3) A glance at the latest map of Northern Alberta as published by the Department of the Interior will show the sparse settlement of the country forty miles from Edmonton. The large forest reserves adjoining the Edmonton, Dunvegan and British Columbia railway is another reason why it is entitled to the schedules as submitted. For 100 miles the proportion of land open for settlement is very small owing to the Lesser Slave Lake forest reserve which the company's line follows from Flatbush.

"(4) In the province of Alberta, from 1885 to 1902, the standard rates were those shown in C.P.R. 270. In 1902 there was a reduction of  $7\frac{1}{2}$  per cent from 270, and in 1914, the board authorized a reduction in the Alberta standard rates of  $7\frac{1}{2}$  per cent, making the present rates in Alberta 15 per cent less than the standard of 30 years ago. The Pacific standard asked for is 10 per cent higher than No. 270, so that the request of the Edmonton, Dunvegan and British Columbia Railway is not unreasonable. The standard on the Calgary and Edmonton and the Regina, Long Lake and Saskatchewan was 25 per cent higher than No. 270, so that in asking for a standard 10 per cent higher than No. 270 the company is not making an unreasonable request. In other words, it asks the approval of the board to a standard  $17\frac{1}{2}$  per cent higher than the standard enjoyed by the three large western lines from 1902 to August 31, 1914.

#### *Passenger Fares.*

"If the Canadian Northern Railway feels that it can lose money in northern Alberta by charging the same rate of fare as in the well settled province of Ontario, it does not follow that another line should have to do the same. For about 50 miles from Edmonton the Edmonton, Dunvegan and British Columbia Railway and the Canadian Northern Railway run close together, and if the former line wants to meet the competitive conditions of the latter, I presume it can do so or disregard them, and this refers to freight and passenger traffic.

"All of which is respectfully submitted.

"(Sgd.) A. MacDONALD,"

The Edmonton-Dunvegan line runs north out of Edmonton through a country almost entirely similar to that in which the Athabaska branch of the Canadian Northern is built. During the whole of the western rates case, no suggestion was made that a different scale should be applied on this branch other than the regular scale applying on other branches and main lines of the company. It is, of course, a fact that the board has recognized that in certain instances a higher rate on branch lines may be charged than on main lines: but no case was attempted to be made out in connection with the Athabaska branch. Some 70 miles out of Edmonton it may be, however, the traffic conditions on the Edmonton-Dunvegan may be different from those on the Canadian Northern, as the line may be particularly affected by the Lesser Slave Lake Forest Reserve, as pointed out by Mr. MacDonald in his letter.

## SESSIONAL PAPER No. 20c

I am extremely loath to raise scales in the west. It is idle to hope for a finality of freight rates, but there should be some element of permanency; and, there is, of course, no room for the contention that, as a matter of fact, the railway is constructed in mountainous territory. The only argument for taking the mountain scale as applicable to the railway in question would seem that it needs the money, and that the mountain scale is higher than the prairie scale. The application of the mountain scale as such would not, of course, be justified.

On the other hand, Mr. MacDonald has had much experience in western rates, and is very familiar with western conditions. Not only is he familiar with the conditions, but he enjoys the confidence of the shippers to a large degree. He appeared during the western rates case as rate expert for the provinces of Alberta and Saskatchewan. Although it is true that he is here acting for the railway, he is particularly well qualified to speak as to the needs of this particular section of Alberta.

My first impression was that the board should decline sanction to any rate except the regular scale. Under the particular circumstances of the case, and in view of Mr. MacDonald's claims, I think that the tariffs filed should be approved, with the qualification that such approval does not bind the board in the slightest as to the reasonableness of the charges. The approval will also be merely temporary.

A sitting of the board will be arranged for Edmonton either in the month of May or June, when evidence will be taken by the board as to traffic conditions and operations, and every opportunity given to shippers in Edmonton and the district in question to present their views.

As Mr. MacDonald points out, the Alberta Government is interested in the question to the extent of apparently the sum of \$8,000,000 of guarantees, and may desire to take part in the case. All parties will have ample time in which to prepare their submissions they desire to make.

Of course, the adoption of even the tariffs as filed on the higher scale will mean a great reduction in the rates charged. For example, the rate charged Mr. Hunt, \$25.54, would, under the tariffs filed and now approved, have only amounted to \$10.44.

Commissioner McLean concurred.

COMPLAINT OF E. W. ROBERTS, MONTREAL, AGAINST REFUSAL OF THE C.P.R. CO., TO ESTABLISH A SPECIAL WINTER FREIGHT RATE ON "ROUGH, UNPEELED PULPWOOD," AND REQUESTING THE ASSISTANCE OF THE BOARD IN SECURING SUCH A RATE.

Judgment, Mr. Commissioner McLEAN, March 29, 1915:—

In the complaint as launched by the applicant, reference was made to the fact that there was a large amount of green, unrossed wood available for pulp manufacture.

Pulpwood is variously defined with reference to the stage and method of preparation. It may be shipped green, with the bark on, i.e., in the "rough." It may be peeled, i.e., the wood is peeled in the spring when the tree is felled. Or it may be rossed, in which case it is peeled and prepared by machinery. In his complaint as presented, the applicant makes a comparison in weights as between the "green, unpeeled wood" and the "peeled and partly seasoned" wood. But in his reply to the answer of the railway company he, in dealing with the comparison of weights, refers to the difference in weight between "a cord of unseasoned, rough wood and a cord of rossed, rossed wood."

In the application and in the supplemental statements a variety of descriptive terms are used by the applicant to differentiate two types of pulpwood. One type is variously described as green, unrossed, rough, unseasoned, while the other is, in connection, described as peeled and partly seasoned, and in another connection as seasoned, rossed wood. The distinction in reality turns upon the difference in

weight due to the degree of seasoning, and the two kinds of wood may, therefore, be sufficiently described as unseasoned and seasoned.

The applicant states that one ton of pulp is obtainable from a cord of wood. The green, unrossed wood weighs about 5,000 pounds to the cord, while the rossed wood weighs approximately three-fifths of this. There is some dispute as to the figures, the railway stating that the unrossed wood weighs from 4,500 to 5,000 pounds and the applicant, in a subsequent letter on file, stating that the rossed wood, when seasoned, represents a weight of 3,400 pounds. It is apparent that there is a considerable margin in the weight as between the unseasoned wood and the seasoned wood.

The applicant states that there is a large amount of this unrossed wood which is owned by operators of small means, who are unable to obtain capital to cut and season the wood and wait until it is sufficiently seasoned; and he is of opinion that a special rate on unrossed wood would be justifiable. His application, therefore, is for a special winter freight rate on the unrossed wood, to be applicable until May 10. When asked for is that the rate should be exactly the same per car as a similar car would amount to for the rossed wood during that period.

Under the tariffs, a car under thirty-five feet in length, loaded with pulpwood, for a shipment to a point in the United States, to which destination the applicant desires to ship, has a minimum of 35,000 pounds. When a car is over thirty-five feet in length, there is a minimum of 40,000 pounds. The seasoned wood, when loaded to the minimum, would represent 10.2 and 11.2 cords respectively; this, on the basis of 3,400 pounds. Taking the unseasoned wood at the basis of 5,000 pounds to the cord, this would represent 7 and 8 cords respectively.

In support of this contention, the applicant says that if the railway met the shipper and purchaser halfway, and consented to haul the extra amount of water contained in the unseasoned wood, it being stated this extra amount of water is of no value to either of the parties concerned, the railway would obtain additional traffic. It is stated that to-day the up-keep, overhead charges, and running charges on the railway are the same in every respect when the engine is hauling a full load as when it is hauling one-tenth of a load, and that the only item which would be affected is the coal cost. It is stated, further that from the standpoint of the shippers and producers, scattered along the lines of the different railways, there are numbers of settlers who at present are unable to afford to contract for large quantities of wood and erect a rossing plant; and that if the tariff was adjusted as requested, the small contractor would be able to sell his product.

The matter was set down for hearing. Subsequent to the hearing an application was modified in some respects, but widened in others, was put in, the applicant setting forth his request as follows:

"We request a flat car rate for all unseasoned pulpwood, fire-wood, or soft wood timber whatsoever, not sawn or manufactured, the weight of which shall exceed 3,400 pounds to the cord of 128 cubic feet at the time of shipment. This rate to apply during any season of the year."

In explanation of this, it was stated that, under this arrangement, the weight of the wood alone would decide the tariff rate, so that wood weighing 3,400 pounds to the cord will come under the flat-car rate, and wood weighing less than 3,400 pounds will be charged at the present rate per cord.

The applicant further amended the original application by stating that he did not see why the rate asked for should not prevail during the summer as well as the winter months, and further stated that the scarcity of wood within a reasonable distance, say, Watertown, N.Y., makes a change in the present basis of freight rate imperative.

The matter was taken up with the railways and the board has received a further communication from the applicant, in reply to the answer of the railway, summarizing his position as follows:—



## SESSIONAL PAPER No. 20c

"1. All rough unseasoned wood used in the manufacture of pulp or paper when bought by cord measurement measuring 128 cubic feet to the cord, whenever the weight of same shall exceed 3,200 pounds the freight on same shall be reckoned by the carload rate instead of by weight.

"2. The price per carload shall be equal in amount to the value in freight of the same car loaded with unseasoned wood on the basis of 3,200 lbs. to the cord, reckoned at the existing rate of freight per 100 lbs. from loading point to point of delivery."

The advantage accruing to the public and to the railroads from this arrangement would be as follows:

"1. It will afford the man with only a small capital who is unable to erect a rossing mill, an opportunity to ship his rough wood to a mill in the United States that can handle said wood, and will thus increase the territory from which wood can profitably be shipped, thus placing the producer and the consumer in more direct communication, and cutting out two or three middlemen's profit.

"2. It will benefit the railroad by increasing the traffic in pulpwood, and where an engine hauls three or four cars, it will provide the same engine with a full load. The increase of freight thus obtained will far exceed the small expenditure for extra coal in transporting the increased weight.

"3. The earning power of the people having wood to sell will be increased. This will in turn benefit the railroads because the increased amount of goods purchased by those people will be hauled by the railroads at their present rate of freight."

The applicant sets out that "when I first made my request to your commission, I had in mind the transportation of wood under my contracts for the season of 1915." He says, however, that on account of the delay necessary in the obtaining of facts for the board, he fears the public cannot receive much benefit during this year, and he asks that the rate arrangement, which he requests, should be directed to be continued for an indefinite period.

While the amended application takes up the question, not only of pulpwood, but also of "firewood, or any soft wood timber whatsoever not sawn or manufactured. . . ." the central point in the application, whether the original or the amended application is considered, is the rate on the unseasoned pulpwood.

The larger railway systems of Canada, including the Canadian Pacific, did away with the system of assessing charges on cordwood on the cord basis some years before the board was organized.

The applicant takes the necessity of the shipper of the unseasoned wood as a measure of what the rate should be.

The obligation of the railway is to charge a reasonable rate. It has, however, so often been set out—that it is not necessary to labour it here—that it is not the obligation of the railway to equalize the disadvantages of the shipper from the standpoint of costs of production.

Canadian Portland Cement Co. v. G.T.R. and Bay of Quinte Ry. Co. 9 Can. Ry. Cas. 211.

See also Canadian China Clay Co. v. C.P.R. *et al*, File No. 24988.

The applicant desires a readjustment of the rates to equalize the disadvantage in point of ownership of capital of those shipping the unrossed wood as compared with those shipping the rossed wood. The initial making of the rates is in the hands of the transportation agency. It is not the board's function, as delegated by parliament,

6 GEORGE V, A. 1916

to make rates to develop business, but to deal with the reasonableness of rates either on complaint or of its own motion.

*British Columbia News Co. v. Express Traffic Association*, 13 Can. Ry. Cas. 178.

A further question is concerned with the detail of the arrangement which the applicant asks for as to weight.

The application as amended in the latest statement of the applicant sets out that 3,200 pounds shall be the basis; that the existing rate shall apply; and that, in respect of any addition in weight per cord of the unseasoned wood over and above this 3,200 pounds, there shall not be any additional charge by the railway—that is to say, if, for the hauling of 10 cords of seasoned wood weighing 32,000 pounds, a certain return is received by the railway, then for the hauling of 10 cords of unseasoned wood weighing 50,000 pounds, the same return shall be received by the railway. That is to say, that in aid of the wood which is of greater weight, the railway shall charge the same rate as on the lower weight, thereby hauling 18,000 pounds without any additional charge.

In the application of the Blaugas Company for a rearrangement of its classification rating, the question of the weight of the cylinders used in transporting the gas was referred to; and the board stated, 12 Can. Ry. Cas., 304:—

“The Blaugas Company also referred to the weight of the steel cylinder in which the blaugas was shipped, it being testified that a cylinder when full of the gas weighed 120 lbs., and that the cylinder empty weighed 100; and it apparently was the opinion of the company that the tare connected with the transportation of the gas should be considered. So far as the question of the weight of the cylinder is concerned, the board, in my opinion, would not be justified in considering this as a reason for a reduction in the outgoing rating of the cylinders when full. In reality, the heavier container used in connection with this gas as compared with the gasoline container is one of the incidents of the business. In this respect they may be said to have a higher cost of production, so far as the laying down of the commodity is concerned, and it would not be fair to ask the railway to equalize the differences in cost of production.”

In the application of L'Air Liquide Society, File No. 19367-16, in regard to the matter of the classification of oxygen gas, reference was made by the applicant to the fact that oxygen gas was shipped in steel cylinders, averaging empty 100 lbs. each, full 108 or 109; and in the report of the board's chief traffic officer, upon which order issued, the following language is to be found:

“The preponderant weight of the container is an unavoidable trade encumbrance, which while accentuated in the case of gas accompanies with greater or less relative tare all packed articles of commerce, and cannot be differentiated in freight classification.”

The situation in connection with the present application is analogous in respect of the difference between the weight of the seasoned wood and the weight of the unseasoned wood. This is a situation for which the railway is in no way responsible.

On what is stated by the applicant, the disadvantage as to the shipment of the unseasoned wood is a disadvantage which arises from the fact that the shippers have not sufficient capital to cross wood and hold it until it is more seasoned. This, then, is a situation for which the railway is not responsible.

The established basis of rate-making, so far as the unit is concerned, is 100 lbs.; and the unit having been so established, charges vary with weight. While the rate for a carlot quantity is differentiated from the rate for a less than carlot quantity, the basis is still 100 lbs. It is recognized that to quote a carlot rate without indicating the weight that is to go on the car would create discriminatory conditions. A carload

SSIONAL PAPER No. 206

ntity calls for a rate based on a certain minimum. Then above this minimum and ited by the maximum loading of the car, the payment for the movement of the car ies with the weight. What is asked for here is that the weight of 5,000 lbs. or a ltiple thereof, shall be treated as if it were a weight of 3,200 lbs., or a multiple reof,—that is to say, an additional weight of 56 per cent is to be carried without ng charged for.

The pulpwood rate has not been attacked as unreasonable. The board is not tified in directing the extension which is asked for as to the obligation of the rail- ys in respect of the weight which is to be carried for this rate.

Assistant Chief Commissioner Scott, and Deputy Chief Commissioner Nantel curred.



## APPENDIX "D."

SIR,—I have the honour to submit for the tenth report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour car schedules filed with the Board from November 1, 1904, to March 31, 1914, and from April 1, 1914, to March 31, 1915, inclusive; also of the more important orders relating to traffic issued by the Board from April 1, 1914, to March 31, 1915.

## SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING MARCH 31, 1915

## FREIGHT—

Local tariffs.. . . .	7,253		
Supplements.. . . .	16,672	23,925	
Joint tariffs.. . . .	15,028		
Supplements.. . . .	49,842	64,870	
International tariffs.. . . .	62,548		
Supplements.. . . .	205,594	268,142	356,937

## PASSENGER—

Local tariffs.. . . .	6,270		
Supplements.. . . .	6,818	13,088	
Joint tariffs.. . . .	3,375		
Supplements.. . . .	6,157	9,532	
International tariffs.. . . .	10,968		
Supplements.. . . .	15,528	26,496	49,116

## EXPRESS—

Local tariffs.. . . .	4,673		
Supplements.. . . .	49,992	54,665	
Joint tariffs.. . . .	2,694		
Supplements.. . . .	10,587	13,281	
International tariffs.. . . .	1,766		
Supplements.. . . .	956	2,722	70,668

## TELEPHONE—

Local tariffs.. . . .	908		
Supplements.. . . .	844	1,752	
Joint tariffs.. . . .	2,018		
Supplements.. . . .	2,925	4,943	
International tariffs.. . . .	426		
Supplements.. . . .	4,795	5,221	11,916

## TELEGRAPH—

Tariffs.. . . .	89		
Supplements.. . . .	86		175

## SLEEPING AND PARLOUR CAR—

Local tariffs.. . . .	52		
Supplements.. . . .	44	96	
Joint tariffs.. . . .	25		
Supplements.. . . .	41	66	
International tariffs.. . . .	35		
Supplements.. . . .	66	101	263

Combined totals, all schedules.. . . . 489,075

## SSIONAL PAPER No. 20c

SCHEDULES RECEIVED FROM APRIL 1, 1914, TO AND INCLUDING MARCH 31, 1915.

## FREIGHT—

Local tariffs.. . . .	1,257		
Supplements.. . . .	2,383	3,640	
Joint tariffs.. . . .	3,065		
Supplements.. . . .	6,240	9,305	
International tariffs.. . . .	17,190		
Supplements.. . . .	40,603	57,793	70,738

## PASSENGER—

Local tariffs.. . . .	1,436		
Supplements.. . . .	2,139	3,575	
Joint tariffs.. . . .	1,322		
Supplements.. . . .	2,178	3,500	
International tariffs.. . . .	2,060		
Supplements.. . . .	5,502	7,562	14,637

## EXPRESS—

Local tariffs.. . . .	122		
Supplements.. . . .	1,691	1,813	
Joint tariffs.. . . .	776		
Supplements.. . . .	1,071	1,847	
International tariffs.. . . .	1		
Supplements.. . . .	3	4	3,664

## TELEPHONE—

Local tariffs.. . . .	4		
Supplements.. . . .	28	32	
Joint tariffs.. . . .	203		
Supplements.. . . .	1,609	1,812	
International tariffs.. . . .	1		
Supplements.. . . .	1,013	1,014	2,858

## TELEGRAPH—

Tariffs.. . . .	10		
Supplements.. . . .	13		23

## SLEEPING AND PARLOUR CAR—

Local tariffs.. . . .	4		
Supplements.. . . .	14	18	
Joint tariffs.. . . .	2		
Supplements.. . . .	19	22	
International tariffs.. . . .	9		
Supplements.. . . .	48	57	97

Combined totals, all schedules.. . . .	92,017
GRAND TOTAL.. . . .	581,092

SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED  
DURING THE YEAR ENDED MARCH 31, 1915.

No. 21566, April 1, 1914.—Approves the Montreal and Southern Counties Ry. Co.'s Standard Tariff of Maximum Mileage Tolls for freight traffic, C.R.C. No. 1.

No. 21629, April 11, 1914.—Enlarges the express collection and delivery limits the city of Regina, Sask., as fixed by Order No. 14906, September 14, 1911.

No. 21686, April 22, 1914.—Disallows increased rates by the railway companies originating from Windsor, Ont., on caustic soda and bleaching powder, in carloads, manufactured at Sandwich, Ont.

No. 21743, April 20, 1914.—Approves an agreement between the Bell Telephone Company and the Municipal Corporation of the township of Brighton, dated March 31, 1914, for the interchange of telephone services.

No. 21746, May 4, 1914.—Disallows an increased rate of the Grand Trunk Railway Company on clay for manufacturing purposes, from Waterdown to Swansea and Mimico, Ont.

No. 21765, May 6, 1914.—Approves Supplement No. 4 to the Express Classification for Canada, No. 3.

No. 21777, May 2, 1914.—Approves an agreement between the Bell Telephone Company and the Byron Telephone Company for the interchange of telephone services.

No. 21781, May 7, 1914.—On rehearing the Dominion Sugar Company of Wallaceburg, Ont., granted reduced rates on sugar, in carloads, from Wallaceburg to Toronto and Hamilton, of 10½ cents and 11½ cents per 100 pounds respectively, on an increased minimum load of 40,000 pounds per car.

No. 21786, May 8, 1914.—Disallows certain notices of the railway companies entering Windsor, Ont., debarring industries on the Essex Terminal Railway Company from joint through rates on Windsor basis on international traffic.

No. 21789, May 12, 1914.—The Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies, having increased their rates to Montreal on lumber, for local delivery and for export, for the season of 1913, directed to reinstate the "export" rates of 1912 from Pembroke, Waltham, Maniwaki and intermediate north and south shore shipping points, including Ottawa and Hull.

No. 21802, May 13, 1914.—Approves an agreement between the Bell Telephone Company and the Pontiac Rural Telephone Company for the interchange of telephone services.

No. 21877, May 26, 1914.—Canadian Northern Express Company, to publish joint rates on fruit and vegetables from Prince Edward County to points beyond or via Smiths Falls, in connection with the Canadian and Dominion Express Companies, not to exceed the rates of these latter companies from the Niagara District to the same destinations.

No. 21899, May 26, 1914.—Grand Trunk Railway Company given operating privileges on the spur line of the Toronto, Hamilton and Buffalo Railway Company, to the National Steel Car Company's plant at Hamilton.

No. 21903, May 29, 1914.—Approves an agreement for interchange of telephone services between the Bell Telephone Co. and the Alanwick Rural Telephone Co.

No. 125 (general order) May 30, 1914.—Gives effect to the terms of the judgment, dated April 6, 1914, in what is known as the Western Rates Case.

No. 21943, June 5, 1914.—Authorizes the opening of a portion of the Essex Terminal Railway as a connection for through traffic between the Canadian Pacific Railway and the Michigan Central Railway routed via the Windsor-Detroit tunnel.

No. 21946, June 2, 1914.—Approves an agreement for interchange of telephone services between the Bell Telephone Company and the Bobcaygeon Rural Telephone Company.

No. 21947, June 4, 1914.—Extends the express collection and delivery limits at Banff, Alberta, as fixed by Order No. 18740, dated February 20, 1913.

No. 21958, June 8, 1914.—Reduces the joint rate of the Canadian Pacific and Grand Trunk Railway Companies on coke from the Consumer's Gas Company's siding at Toronto to North Toronto from 95 cents to 65 cents per net ton.

No. 21980, June 8, 1914.—Approves an agreement for interchange of telephone services between the Bell Telephone Co. and the King Telephone Company.

No. 21981, June 13, 1914.—Defines express collection and delivery limits in the town of Morse, Sask.



## SESSIONAL PAPER No. 20c

No. 22007, June 8, 1914.—Approves an agreement for interchange of telephone services between the Bell Telephone Co. and the municipal corporation of the township of Brooke.

No. 22013, June 17, 1914.—Approves, with certain additions, Supplement No. 3 to the Canadian Freight Classification No. 16.

No. 22036, June 17, 1914.—Approves an agreement for interchange of telephone services between the Bell Telephone Co. and the Caradoc-Ekfrid Telephone Co.

No. 22127, July 2, 1914.—Joint order of the Board of Railway Commissioners for Canada and the Ontario Railway and Municipal Board, apportioning between the Grand Trunk and the Galt, Preston and Hespeler Street Railway Co. the costs of installations of interchange tracks at Galt, Preston, Berlin and Waterloo, Ont., as provided by Order No. 17064, July 5, 1912.

No. 22063, June 25, 1914.—Extends the period fixed by Order No. 20942, dated December 1, 1913, for the approval of the Canadian Pacific Railway Company's Telegraph tolls until December 1, 1914.

No. 22064, June 25, 1914.—Extends the period fixed by Order No. 20946, dated December 1, 1913, for the approval of the Great North Western Telegraph Company's tolls until December 1, 1914.

No. 22067, June 25, 1914.—Extends the period fixed by Order No. 20950, dated December 1, 1913, for the approval of the White Pass and Yukon companies route's telegraph tolls until December 1, 1914.

No. 22068, June 25, 1914.—Extends the period fixed by Order No. 20951, dated December 1, 1913, for the approval of the Grand Trunk Pacific Telegraph tolls until December 1, 1914.

No. 23115, July 3, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Harrietsville Telephone Association, Limited.

No. 22162, July 6, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Co. and the Alice Telephone Company, Limited.

No. 22163, July 7, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Wallacetown and Lake Shore Telephone Association, Limited.

No. 22189, July 10, 1914.—Restores a special interswitching toll of three dollars per car to be charged by the Grand Trunk Railway Company for interchanging traffic between the Grand Trunk railway and the town spur at Fergus, Ont., as fixed by special contract between the parties.

No. 22200, July 11, 1914.—Prohibits the carriage by express of liquid and scrap celluloid, and prescribes the conditions under which articles composed wholly or partly of celluloid may be carried by express companies.

No. 22220, July 16, 1914.—Extends the Toronto rate to York, Ont., on coal from Detroit and Niagara Frontier gateways.

No. 22228, July 20, 1914.—Amends the judgment of the board in the western rates case, so-called, by substituting Thornton for Hinton as the point of juncture of the "Prairie" and "Mountain" rate scales of the Grand Trunk Pacific Railway Company.

No. 22230, July 20, 1914.—Prescribes express collection and delivery limits in the town of Miles, Sask.

No. 22231, June 30, 1914.—Amends Order No. 19849, May 30, 1913, by extending the free area therein defined for the collection and delivery of express freight at St. Boniface, Man.

No. 22237, July 18, 1914.—Requires the Grand Trunk and Canadian Pacific railway companies to provide special tariffs of "arbitrary" rates to apply within Canada on through shipments of lumber from points south of the Ohio and Potomac rivers.

6 GEORGE V, A. 1916

No. 22246, July 22, 1914.—Extends the limits fixed by Order No. 13413 of December 31, 1912, for the free collection and delivery of express freight at Winnipeg, Man.

No. 129 (General Order) July 22, 1914.—No toll contained in any special or competitive freight or express tariff to be advanced until it has been in force at least thirty days. Applications for suspension or postponement of any increased rate or charge to be filed with the board at least fourteen days before the date when the said rate or charge is proposed to become effective, provided that this requirement may be varied by the board of its own motion or on special grounds advanced.

No. 22315, August 4, 1914.—Extends the limits fixed by Order No. 19533 of June 9, 1913, for the free collection and delivery of express freight at Windsor, Ont.

No. 22337, August 5, 1914.—Approves standard maximum freight tariff C.R.C. No. W-793 to apply from September 1, 1914, locally between stations on the lines of the Canadian Northern Railway Company west of and including Port Arthur in the provinces of Manitoba, Saskatchewan and Alberta.

No. 22371, August 10, 1914.—Extends the limits fixed by Orders Nos. 14906 and 21629 for the free collection and delivery of express freight at Regina, Sask.

No. 22412, August 17, 1914.—Approves standard maximum freight tariff C.R.C. No. 1948 to apply from September 1, 1914, locally between stations and ports of call on the Canadian Pacific Railway Company's lines west of and including Port Arthur in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia.

No. 22419, August 20, 1914.—Approves standard maximum tariff C.R.C. No. 4439 chargeable between the Dominion Express Company's offices in Vancouver Island.

No. 22454, August 14, 1914.—The Algoma Central Railway Company ordered to continue, by the restoration of cancelled tariffs, the use and maintenance of its wharf facilities, at Michipicoten, Ont., to accommodate traffic offering at that point.

No. 22456, August 17, 1914.—Approves supplement No. 6 to the express classification for Canada No. 3.

No. 22474, August 31, 1914.—Approves standard maximum freight tariff C.R.C. No. 22, to apply from September 1, 1914, locally between stations on the Grand Trunk Pacific Railway Company's lines west of and including Port Arthur in the provinces of Ontario, Manitoba, Saskatchewan and British Columbia.

No. 22482, August 31, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Municipal Corporation of the township of Waterloo, Ont.

No. 22486, September 1, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Muskoka, Victoria and Haliburton Telephone Company, Limited.

No. 22490, September 4, 1914.—Approves Standard Maximum Freight Tariffs C.R.C. Nos. 1057 to 1063, inclusive, to apply from September 1, 1914, locally between stations on the Great Northern Railway Company's lines in Manitoba and British Columbia.

No. 22497, September 3, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Thedford, Arkona and East Lambton Telephone Company, Limited.

No. 22498, September 3, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Lambton Telephone Company, Limited.

No. 22511, September 14, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Huntsville and Lake of Bays Telephone Company, Limited.

No. 22547, September 14, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Second Line Drummond Telephone Company, Limited.

No. 22572, September 17, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Municipal Corporation of the township of Pelee.

## SESSIONAL PAPER No. 20c

No. 22591, September 22, 1914.—Approves International Bridge and Terminal Company's Standard Maximum Freight Tariff, C.R.C. No. 1.

No. 22607, September 23, 1914.—Approves British Columbia Electric Railway Company's Standard Maximum Freight Tariff, C.R.C. No. 23, to apply between the company's stations on the Vancouver and Lulu Island Railway and the Vancouver, Fraser Valley and Southern railway.

No. 22632, September 21, 1914.—Extends the Dominion Express Co.'s free cartage limits at Swift Current, Sask., as fixed by Order No. 20463, September 30, 1913.

No. 132 (General Order) October 2, 1914.—Restores mixed carload arrangements with respect to groceries and dried fruits, also foreign and native liquors, to destinations west of and including Port Arthur, said arrangements having been cancelled by the carriers September 1, 1914.

No. 22652, September 30, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Burnt River Telephone Company, Limited.

No. 22657, October 2, 1914.—Approves Canadian Northern Railway Company's Standard Maximum Freight Tariff, C.R.C. No. 513, to apply between stations on the company's lines east of Port Arthur, Ont.

No. 22664, October 6, 1914.—Prescribes reduced commodity rates on cobble, crushed, field and rubble stone from Grand Trunk Windmill Point siding to points on the Grand Trunk Railway and Michigan Central R.R., in the Niagara district.

No. 22705, October 13, 1914.—Approves Standard Maximum Freight Tariff, C.R.C. No. E-1, of the Express Department of the Halifax and South Western Railway Company.

No. 22720, October 13, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Sparta Rural Telephone Company, Limited.

No. 22777, October 27, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the South Ham Telephone Company, Limited.

No. 22779, October 28, 1914.—Approves Standard Maximum Freight Tariff, C.R.C. No. 268, of the Esquimalt and Nanaimo Railway Co.

No. 22798, October 31, 1914.—Approves Great Northern Railway Company's Standard Maximum Freight Tariff, C.R.C. No. V-36, applying between stations on the Victoria and Sidney railway.

No. 22802, November 3, 1914.—Defines the area at Kentville, N.S., within which the tolls of the Dominion Express Company include collection and delivery.

No. 22821, November 2, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Chapleau Rural Telephone Company, Limited.

No. 22834, November 7, 1914.—Defines the area at Red Deer, Alberta, within which the tolls of the Dominion Express Company include collection and delivery.

No. 22860, November 10, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Municipal Corporation of the township of Thessalon.

No. 22864, November 12, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and La Compagnie Telephone St. Paul de Chester.

No. 22873, November 16, 1914.—Approves Standard Maximum Freight Tariff, C.R.C. No. 3, of the Express Department of the Montreal and Southern Counties Railway Company to apply between Montreal and Longueuil and intermediate points.

No. 22874, November 16, 1914.—Approves an agreement for the interchange of telephone service between the Bell Telephone Company and La Compagnie de Téléphone Electrique de Lotbinière.



6 GEORGE V, A. 1916

No. 22895, November 25, 1914.—Approves Supplement No. 4 to the Canadian Freight Classification No. 16.

No. 22901, November 25, 1914.—Further extends, until July 1, 1915, the time limited by section 4, chapter 61, 7-8 Edward VII, for the approval of tolls for the transmission of messages between points in Canada west of and including Sudbury, also between points west of Sudbury and points east thereof and east of and including Windsor, Ont., charged by the Canadian Pacific Railway Company's telegraphs.

No. 22902, November 25, 1914.—Further extends, until July 1, 1915, the time limited by section 4, chapter 61, 7-8 Edward VII, for the approval of tolls for the transmission of messages between points in Canada west of North Bay, also between points west of North Bay and points east thereof and east of and including Windsor, Ont., charged by the Great North Western Telegraph Company of Canada.

No. 22903, November 25, 1914.—Further extends, until July 1, 1915, the time limited by section 4, chapter 61, 7-8 Edward VII, for the approval of tolls for the transmission of messages between points in Canada except between local offices on the Ottawa division, and between them and Swanton, Vermont, charged by the Grand Trunk Pacific Telegraph Company.

No. 22904, November 25, 1914.—Further extends, until July 1, 1915, the time limited by section 4, chapter 61, 7-8 Edward VII, for the approval of tolls for the transmission of messages between points in Canada, charged by the White Pass and Yukon route.

No. 22921, November 26, 1914.—Approves Standard Maximum Freight Tariff, C.R.C. No. 27, of the Kettle Valley Railway Company, to apply between its stations in British Columbia.

No. 22949, December 3, 1914.—Approves Standard Maximum Passenger Tariff, C.R.C. No. E-488, of the Canadian Northern Railway Company to apply between the company's stations east of and including Port Arthur, in the provinces of Ontario and Québec, on the basis of three cents per mile.

No. 22953, December 2, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and La Compagnie Telephone Local de Ham Nor.

No. 22955, December 4, 1914.—Approves Standard Maximum Freight Tariff, C.R.C. No. F-1, of the Halifax and South Western Railway Company.

No. 22962, December 4, 1914.—Approves Standard Maximum Passenger Tariff, C.R.C. No. P-1, of the Halifax and South Western Railway Company on the basis of three cents per mile.

No. 22973, December 7, 1914.—Sanctions certain minor changes in and additions to the express merchandise receipt previously prescribed by the board.

No. 22976, December 10, 1914.—Defines the limits of the area at St. Jerome, Que., within which the tolls of the Dominion Express Company include collection and delivery.

No. 22991, December 17, 1914.—Defines delivery limits for express freight at Lacombe, Alberta.

No. 23008, December 11, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Municipal Corporation of the village of Brussels.

No. 23011, December 17, 1914.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Princeton and Drumbo Telephone Company, Limited.

No. 133 (General Order), December 19, 1914.—Suspends the proposed cancellation by the railway companies, January 1, 1915, of the arrangements whereby mixed carloads of foreign liquors, and mixed carloads of groceries, classified fifth class in straight carloads, and dried fruits, classified fourth class in straight carloads, are carried at their respective carload rates between points west of and including Port Arthur, and thereto from eastern shipping points.

## SESSIONAL PAPER No. 20c

No. 23022, December 23, 1914.—Defines collection and delivery limits for express freight at Cobalt, Ontario.

No. 23116, January 9, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Central Dufferin Telephone Association, Limited.

No. 23137, January 11, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Canadian Telephone Company.

No. 23138, January 13, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the municipality of the township of Dover.

No. 23197, January 23, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Elmsley South Rural Telephone Company.

No. 134 (General Order), January 25, 1915.—Requires railway companies west of Lake Superior, before receiving authority for the carriage of traffic on any extension of their existing railway systems, in addition to the standard tariffs, to publish and file the appropriate supplementary special class or "town" tariffs, mileage commodity tariffs, special tariffs on grain to the Lake Superior terminals, and on lumber from British Columbia, as these may be applicable to the territories to be served by the said new lines.

No. 23243, February 1, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Roman Catholic Episcopal corporation of the diocese of Kingston.

No. 23244, February 1, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Plummer, Aberdeen and Galbraith Rural Telephone Association, Limited.

No. 23246, February 4, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Apsley Telephone Company.

No. 23255, February 5, 1915.—Defines the area within which the express companies shall make free collection and delivery services in Fort Frances, Ont.

No. 23256, February 5, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Thamesville Telephone Company, Limited.

No. 23263, February 6, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Katevale Telephone Company.

No. 23332, February 23, 1915.—Prescribes basis for joint lumber rates between the Western Canada Power Company's railway and the Canadian Pacific railway, via Ruskin, B.C.

No. 23351, February 23, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Sunderland Telephone Company, Limited.

No. 23352, February 23, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Stroud Telephone Company, Ltd.; the municipal corporation of the township of Johnson, and the municipal corporation of the township of Tarbutt and Tarbutt additional.

No. 23362, February 25, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the municipal corporation of the village of Blyth.

No. 23364, February 27, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the municipal corporation

6 GEORGE V, A. 1916

of the township of Laird, and rescinds Order No. 9653, dated February 21, 1910, approving a previous agreement.

No. 23368, March 1, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Tarentious Telephone Company, Limited, and rescinds Order No. 12251, dated November 11, 1910, approving a previous agreement.

No. 23375, February 26, 1915.—Grand Trunk and Canadian Northern railway companies jointly required to publish a tariff of joint rates on coal from Prescott, Ont., ex-United States, to all points on that portion of the Canadian Northern Railway Company's line formerly known as the Brockville, Westport and Northwestern railway, via Lyn.

No. 23392, March 4, 1915.—Canadian Pacific Railway Company, required to accept shipments of perishable freight in heated cars during the winter season on all its lines west of Port Arthur, and prescribing the terms and conditions of carriage.

No. 23414, March 13, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the West Garafraza Telephone Co-operative Association, Limited.

No. 135 (General Order), Mar 22, 1915.—Establishes bases for commodity rates on newsprint paper, in carloads, from manufacturing points in Eastern Canada to points west of Fort William.

No. 23444, March 23, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Ayr Rural Telephone Company, Limited.

No. 23447, March 12, 1915.—Approves Standard Passenger Tariff, C.R.C. No. 1, of the Hull Electric Company.

No. 23455, March 24, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the East Gray Telephone Company, Limited.

No. 23461, March 24, 1915.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Wakefield and Masham Telephone Company.

No. 136 (General Order), March 25, 1915.—Approves an amended form of special contract, or "release" limiting the responsibility of carriers in connection with the carriage of household goods, furniture and settlers' effects (second-hand).

No. 137 (General Order), March 26, 1915.—Approves an amendment to the express classification for Canada No. 3, providing a basis of charges for storage batteries, also conditions of carriage thereof.

No. 138 (General Order), March 25, 1915.—Approves an amendment to the express classification for Canada No. 3, providing a basis of charges for moving picture films, also conditions of carriage thereof.

I have the honour to be, sir,

Your obedient servant,

J. HARDWELL.



## APPENDIX "E."

LIST OF INSPECTIONS MADE BY THE ENGINEERING DEPARTMENT  
FROM APRIL 1, 1914, TO MARCH 31, 1915.

April 1.—Inspection of drainage on Campbellford, Lake Ontario and Western railway *re* complaint of P. J. Roach, Cherrywood, Ontario.

April 1.—Inspection of half interlocker at crossing of Great Northern railway by Canadian Pacific railway, Crowsnest branch, at Baynes Lake, B.C.

April 4.—Inspection of interlocking plant at crossing of Canadian Pacific railway, double track, by Grand Trunk railway, single track, at Milton, Ont.

April 7.—Inspection of bridge No. 11-3, Stanbridge subdivision, Quebec, Canadian Pacific railway.

April 9.—Inspection of bridge No. 18-7, St. Gabriel subdivision, Quebec, Canadian Pacific railway.

April 13.—Inspection for removal of speed restrictions on Kootenay Central (C.P.R.), mile 0 to 41.

April 15.—Inspection for traffic of Lethbridge subdivision, bridge 91-1, on Canadian Pacific railway.

April 15.—Inspection for traffic of Lethbridge subdivision, bridge 15-6, on Canadian Pacific railway.

April 15.—Inspection of culvert *re* complaint of lumber company, Kingston and Pembroke subdivision, Clyde Forks, Ont., Canadian Pacific railway.

April 20.—Inspection of interlocking plant at crossing of Canadian Pacific railway on Calgary-Edmonton line by Grand Trunk Pacific railway in the city of Calgary.

April 21.—Inspection for traffic interlocking plant crossing Canadian Pacific railway, section 35-24-27, west 4th meridian, by Canadian Northern railway, Calgary subdivision.

April 22.—Inspection of Cain, Edward, Aaron, Weber and Waterloo street crossings on Grand Trunk railway at Berlin, Ont.

April 24.—Inspection of interlocking plant at crossing of Hamilton Radial railway by the Toronto, Hamilton and Buffalo railway at Barton street, Hamilton, Ont.

April 24.—Inspection of Sherman Inlet drainage on the Grand Trunk railway at Hamilton, Ont.

April 24.—Inspection of Bridge street, Yarker, Ont., *re* complaint of condition of Canadian Northern railway crossing.

April 24.—Inspection of line *re* fencing on the Montfort branch of the Canadian Northern Quebec railway.

April 28.—Inspection for opening for traffic, G.T.P. Railway Company's Young Prince Albert branch, from Wakaw, mile 57 to end of track, mile 87 distance 30 miles.

April 30.—Inspection opening for traffic, Canadian Pacific Railway Company's northeasterly line of double track from mile 0 to 9-92, and second track of the Emerson subdivision from mile 0 to 2-03, and Lac du Bonnet subdivision, second track from Whittier Junction, mile 0 to 2-90.

April 30.—Inspection Canadian Pacific railway *re* interlocking plant where its Brandon branch crosses the tracks of the Canadian Northern Railway Company's Oak Point subdivision, at Woodman, mile 5-6.

6 GEORGE V, A. 1916

April 30.—Inspection of culvert *re* complaint of Lumber Company, Kingston and Pembroke subdivision, Clyde Forks, Ont., of Canadian Pacific railway.

May 1.—Inspection opening for traffic of the Canadian Northern railway, Oak Point branch to Gypsumville, distance 97 miles.

May 2.—Inspection *re* interchange between Canadian Pacific railway and Grand Trunk Pacific at Calgary.

May 4.—Inspection for opening for traffic of the new second track of the Canadian Pacific railway, Swift Current subdivision, mile 109.4 to 110.5, distance 1.1 miles.

May 5.—Inspection of the Canadian Northern railway, Calgary subdivision, *re* culvert in township 31-13-17, west 4th meridian.

May 5.—Inspection for opening for traffic of the Canadian Pacific Railway Company's branch, from Woodrow, mile 145.7 to Shaunavon, mile 230.8, distance 85.1 miles, with a view of removing speed limitation of 18 miles per hour for the first 62 miles, and 10 miles an hour over the remaining 23.1 miles.

May 5.—Inspection of bridge No. 133.28 on the Sudbury subdivision of the Canadian Pacific railway.

May 6.—Inspection of drainage on the Canadian Pacific railway in the township of McDonald near Sault Ste. Marie, Ontario.

May 6.—Inspection of track of the Wabash railroad, Ekfrid, Ont.

May 7.—Inspection of work done at public road crossing on the line of the Grand Trunk railway at Prairie siding, Ontario.

May 7.—Inspection of roadbed of the Canadian Northern Ontario Railway Company, Sudbury to Lake Joseph, Ontario.

May 8.—Inspection of McPherson spur, two miles west of Puslinch, Ont., on the Canadian Pacific railway.

May 8.—Inspection of Canadian Pacific railway siding west of Toronto, Ontario.

May 8.—Inspection of bridges, Middle division, district 15th of the Grand Trunk railway, Ont.

May 11.—Inspection of street crossing on the line of the Canadian Pacific railway, *re* protection asked for by town of Three Rivers, Quebec.

May 12.—Inspection of proposed location of the Lake Erie and Northern railway at Port Dover, Ontario.

May 12.—Inspection of the Great Northern railway *re* subway on Cox street, Fernie, B.C.

May 13.—Inspection of station layout and retaining walls of the Lake Erie and Northern railway at Brantford, Ontario.

May 14.—Inspection of the Canadian Pacific Railway bridge No. 144.4, Portal subdivision *re* replacement of existing timber trestle.

May 14.—Inspection of the Canadian Pacific railway *re* replacement of existing timber trestle over bridge No. 144.8, Portal subdivision.

May 16.—Inspection of the Canadian Pacific railway, new second main line track between St. John and Iberville Junction, St. John, Quebec.

May 16.—Inspection of Canadian Pacific railway, *re* farm crossing for Damase Goyette, Iberville, Quebec.

May 16.—Inspection *re* condition of fences, road crossings, bridges, etc., on the Calgary subdivision of the Canadian Northern railway between Calgary and Drumheller.

May 18.—Inspection of Canadian Northern railway *re* crossing for N. Lalonde, St. Genevieve, Quebec.

May 18.—Inspection for opening for traffic of the Canadian Pacific railway, Snowflake branch, distance 10 miles.

May 19.—Inspection of the southern division of the Quebec, Montreal and Southern railway *re* repairs to bridge and culvert.

## SESSIONAL PAPER No. 20c

May 20.—Inspection of work done at public road, as per Board's order, on the Canadian Pacific railway, Melbourne, Quebec.

May 26.—Inspection of Grand Trunk railway culvert and drainage area of Jackson creek, *re* complaint of farmers of St. Blaise, Que.

May 27.—Inspection of diversion of Thurlow railway under the Campbellford, Lake Ontario and Western railway.

May 27.—Inspection of Campbellford, Lake Ontario and Western railway for opening of traffic.

May 28.—Inspection of crossing of George street, Cobourg, Ontario, by the Campbellford, Lake Ontario and Western railway.

May 28.—Inspection of farm crossing for Mr. Bickle on the Campbellford, Lake Ontario and Western railway.

May 28.—Inspection of Campbellford, Lake Ontario and Western railway *re* protection of freight spurs on Wellington st., Bowmanville, Ont.

May 28.—Inspection of road crossing on Campbellford, Lake Ontario and Western railway at lot 2, concession 3, township of Oso, Ont.

May 28.—Inspection of road crossing on Campbellford, Lake Ontario and Western railway at lot 2, concession 5, township of Oso, Ontario.

May 28.—Inspection of Canadian Pacific Railway Company's culvert and ditch, Port McNicoll subdivision, *re* drainage complaints.

June 4.—Inspection of the Canadian Pacific and Grand Trunk Pacific Railway Companies *re* interchange at Calgary.

June 4.—Inspection of street crossings in town of Oshawa on the line of the Campbellford, Lake Ontario and Western railway.

June 5.—Inspection in connection with complaint of J. N. Neuret, Invermay, Sask., against the Canadian Northern railway, *re* proposed closing crossing at road-way, sections 2 and 11, west 2nd meridian. (Reported Dec. 1, 1914.)

June 6.—Inspection of the Canadian Pacific Railway crossing at mile 112.5, Kerrobert subdivision.

June 6.—Inspection for opening for traffic of bridge 57.1 of the Canadian Pacific railway, Cascade subdivision.

June 6.—Inspection for opening for traffic of bridge 112.2 of the Canadian Pacific railway, Cascade subdivision.

June 6.—Inspection for opening for traffic of bridge 113.5 of the Canadian Pacific railway, Cascade subdivision.

June 6.—Inspection for opening for traffic of bridge 93.5 of the Canadian Pacific railway, Cascade subdivision.

June 8.—Inspection for opening for traffic from Osborne bay to Westholme, 2.5 miles, of the Esquimalt and Nanaimo railway (C.P.R.).

June 8.—Inspection for opening for traffic of the Canadian Pacific railway, Bassano—Empress line, mile 0 to 118.3, and the Northwest Swift Current Line, mile 110.8 to 111.8.

June 8.—Inspection of the Canadian Pacific railway subway in the township of Albion, Cedar Mills, Ontario.

June 8.—Inspection of viaduct between St. Thomas junction and Talbot yard, on the line of the Père Marquette Railroad, St. Thomas, Ont.

June 9.—Inspection of the Canadian Pacific railway's new second track, between Herbert, mile 81.9 to Notman, mile 95.1, Swift Current subdivision, distance 13.2 miles.

June 10.—Inspection of the Grand Trunk railway *re* drainage at Hoards, Ont., in connection with complaint of D. McAdams.

June 11.—Inspection of Bessemer and Barry's bay railway bridge across Egau's creek at Bessemer junction, *re* complaint from P. A. Bradshaw of Detlor, Ont.

June 11.—Inspection of bridge over Cross creek at mileage 69 on the Canadian Pacific railway.



6 GEORGE V, A. 1916

June 12.—Inspection of fencing on the line of the Canadian Pacific railway between Coldwater and Orillia, Ont.

June 12.—Inspection of H. Lafferby's diverted farm road across Grand Trunk railway borrow pit, Trenton, Ont.

June 12.—Inspection of W. L. Vandervoort's cattle pass, on the Canadian Northern Ontario and Campbellford, Lake Ontario and Western Railway Companies, Belleville, Ontario.

June 12.—Inspection of the Canadian Northern railway *re* extension of time for carrying traffic from Avonlea to Gravelburg.

June 12.—Inspection of the Canadian Northern railway, Kindersley subdivision, from Saskatoon to Rosetown, distance 72 miles, and from Rosetown to Kindersley, distance 54.1 miles, with a view of cancelling speed restrictions.

June 12.—Inspection of the Great Northern railway *re* condition of North road near New Westminster, B.C.

June 12.—Inspection of the Great Northern railway for traffic of Vancouver and Lulu Island railway, Third avenue to Granville street.

June 13.—Inspection of the Canadian Pacific railway on its Winnipeg Beach branch *re* suitable construction of culverts under its tracks on each of the following five public road allowances:—

Road between river lots 103 and 104.

“ “ “ “ 119 and 120.

“ “ Secs. 2 and 10-17-4-E.P.M.

“ “ “ 15 and 22-17-4-E.P.M.

Greenwood ave., town of Selkirk.

June 13.—Inspection of the Canadian Pacific railway *re* construction of culvert on Greenwood avenue, Selkirk, Manitoba.

June 16.—Inspection of the Grand Trunk Pacific railway *re* placing a siding where their main line runs into Prince Albert, crossing the South Saskatchewan river at St. Louis.

June 16.—Inspection of the Kettle Valley railway (C.P.R.), *re* crossing public highway over its tracks, east of Penticton near mile 53.

June 16.—Inspection of the Kettle Valley railway (C.P.R.), *re* Main street crossing and Gernyn street, also Calgary avenue at Penticton.

June 18.—Inspection of the Central Vermont railroad bridge over river road, Richelieu, Quebec.

June 18.—Inspection of the Canadian Pacific railway, Pheasant Hills branch, for a pipe crossing under its tracks in section 29-34-25, west 2nd meridian.

June 22.—Inspection of proposed subway at St. James, Winnipeg.

June 23.—Inspection for opening of traffic of the Canadian Pacific railway, Moosejaw subdivision, first track diversion east of McLean, from mile 66.5 to 68.5, distance of two miles.

June 23.—Inspection of the Medicine Hat Southern railway *re* leave to cross the Canadian Pacific railway by overhead crossing.

June 23.—Inspection of the Quebec Oriental railway, Gaspé Peninsula, *re* board's order.

June 23.—Inspection of the Quebec Oriental right of way *re* fencing through township of Mann.

June 24.—Inspection of the Atlantic, Quebec and Western railway's culvert *re* drainage, in connection with complaint of A. Lelièvre, Little river, east.

June 24.—Inspection for opening for traffic of the Canadian Pacific railway, Gleichen-Sheppard branch, Medicine Hat subdivision, mile 0 to 40.84.

June 24.—Inspection of the Grand Trunk Pacific railway *re* delay in completing their line to Moosejaw, and erection of station there.

## SESSIONAL PAPER No. 20c

June 24.—Inspection for opening of traffic of the Canadian Pacific railway, Port Moody branch, British Columbia division.

June 25.—Inspection of crossing of Main street, Orono, Ontario, by the Canadian Northern Ontario railway.

June 25.—Inspection of the dock siding of the Grand Trunk railway on Main street, Callender, Ont., *re* complaint of township of Himsworth.

June 25.—Inspection of crossing of public road between Con. 4 and 5, township of Portland, by the Canadian Northern Ontario railway.

June 25.—Inspection of crossing of Kingston road by the Campbellford, Lake Ontario and Western railway near Belleville, Ontario.

June 26. Inspection of the Canadian Northern railway *re* spur to serve the David Bowman Coal and Supply Company, Limited, in S.W.  $\frac{1}{4}$  of section 18, range 4, west, north of Oak point, Man.

June 26.—Inspection of the Canadian Northern railway spur crossing Pembina street to serve the Winnipeg Sandstone Brick Company.

June 26.—Inspection for opening for traffic of the Canadian Pacific railway, Moosejaw, southwest branch, from mile 27.4 to 35, distance 7.6 miles.

June 27.—Inspection of the Canadian Pacific railway for alterations between Franklin and Donald streets in order to do away with the double crossing on Franklin street, just north of Arthur street, *re* complaint of city of Fort William, Ont.

June 27.—Inspection of the city of Fort William, Ont., *re* crossing Canadian Pacific railway, Canadian Northern railway and Grand Trunk Pacific railway by means of a subway on James street.

June 27.—Inspection of the Quebec Oriental railway bridges and culverts between Metapedia and New Carlisle, Quebec.

June 29.—Inspection of the Canadian Northern railway for removal of speed restrictions from Vegreville to Drumheller, Mile 0 to 173.

June 29.—Inspection of proposed cattle pass on farm of John Vaillant, lots 28-29-30, concession 9, township of Ross, county of Renfrew, on the Canadian Northern Ontario railway.

June 30.—Inspection of crossing of lane on farm of A. D. Palmer, lot 40, concession 9, township of Ross, by the Canadian Northern Ontario railway.

June 29.—Inspection of Canadian Northern Ontario railway from Newburgh to Ottawa for removal of speed restrictions.

June 29.—Inspection of the Canadian Northern railway Athabasca subdivision, for removal of speed restrictions.

July 1.—Inspection for opening of traffic of the Canadian Pacific railway, Ansley spur, Medicine Hat, distance 2 miles.

July 3.—Inspection of the Canadian Pacific railway, Red Deer subdivision, mile 2.5, for the city of Calgary for a spur.

July 6.—Inspection of the Grand Trunk Pacific railway *re* condition of roads on Empire avenue, in connection with complaint of the city property owners of Fort William, Ontario.

July 6.—Inspection of Jane street subway, Toronto, Ont., on the line of the Canadian Pacific railway *re* drainage.

July 7.—Inspection of the Canadian Pacific railway on Armstrong street, Parry Sound, *re* subway.

July 7.—Inspection for opening for traffic bridge at Syndicate avenue, Fort William, Ont., Manitoba subdivision.

July 8.—Inspection (joint) of the Canadian Northern railway's burnt bridge No. 2080, near Bears Pass, Atikokan subdivision.

July 8.—Inspection of the Canadian Northern railway roadbed, Winnipeg-Fort William line, M.P. 100.

July 9.—Inspection of the Grand Trunk railway plant at Queen street crossing, Ottawa, Ont.

6 GEORGE V, A. 1916

July 10.—Inspection of the Grand Trunk Pacific railway *re* delay in completion of line and erection of station there, in connection with complaint of Moosejaw Board of Trade.

July 10.—Inspection for opening for traffic of the Canadian Pacific railway Kaslo-Slocan branch, British Columbia division.

July 10.—Inspection of the Canadian Pacific railway in connection with complaint of citizens of Vancouver and North Vancouver against change of its plans for North Vancouver ferry pedestrian subway.

July 10.—Inspection of drainage on farm of Duncan Reid, west half of lot 15, concession 1, township of Trafalgar, one mile west of Milton, on the line of the Canadian Pacific railway.

July 10.—Inspection of road crossing just west of the station at Goldstone, on the Grand Trunk railway.

July 10.—Inspection of proposed cattle pass on farm of Mr. Lasher, township of Camden, on the Campbellford, Lake Ontario and Western railway.

July 10.—Inspection for opening for traffic of the Canadian Pacific railway, Arrow Lake subdivision, bridge 15-3.

July 13.—Inspection of the Grand Trunk railway fences *re* complaint of F. McVian, London, Ont.

July 14.—Inspection for opening for traffic of the Canadian Pacific railway Broadview subdivision, mile 28-0 to Turtleford, mile 57.

July 15.—Inspection of crossing of road allowance between concessions 6 and 7, township of Tay, by the Grand Trunk railway.

July 21.—Inspection of the Canadian Northern railway, Battleford Northwesterly line, from Edam, mile 38, to Turtleford, mile 57.

July 22.—Inspection of the Grand Trunk Pacific railway at Prince George *re* location of station.

July 22.—Inspection *re* interchange between the Canadian Pacific railway and the Grand Trunk Pacific railway at Calgary.

July 22.—Inspection of the Canadian Northern railway at Le Pas, Manitoba, regarding railway service and station accommodation.

July 22.—Inspection for opening for traffic of the Canadian Pacific railway, Lacombe branch, from Kerrobert, mile 221-3, to Monitor, mile 149, distance 72-2 miles.

July 24.—Inspection of the Birds Hill Sand Company *re* removal of the spur track maintained by that company over part of the road allowance between sections 23 and 24, and 25 and 26, and requiring the restoration of the road allowance to the condition it was before the spur track was put in, or for the terms and conditions of the continued use to be fixed by the board, in connection with application of the rural municipality of Springfield, Manitoba.

July 26.—Inspection for opening for traffic of the Canadian Pacific railway, Alberta Central, mile 0 to 64-5.

July 30.—Inspection for opening for traffic of the Canadian Pacific Railway Company, McBridge junction to Courtenay, a distance of 45 miles.

August 1.—Inspection for opening for traffic of the Canadian Pacific railway, Thompson subdivision, mile 1-1 to 1-45; mile 1-85 to 2-25; mile 4-1 to 4-2; and mile 6-3 to 7-7.

August 1.—Inspection for opening for traffic of the Canadian Pacific railway, Cascade subdivision, bridge 101-5.

August 1.—Inspection for opening for traffic of the Canadian Pacific railway's bridge 79-1, Cascade subdivision.

August 1.—Inspection for opening for traffic of the Canadian Pacific railway's bridge 75-6, Cascade subdivision.

August 1.—Inspection for opening for traffic of the Canadian Pacific railway's bridge 50-1, Cascade subdivision.



## SESSIONAL PAPER No. 20c

August 2.—Inspection for opening for traffic of the Canadian Pacific railway, Shuswap subdivision, miles 1.4 to 1.6; 1.8 to 2.3; 4.4 to 5.8; 7.7 to 10.4; 14.8 to 15.4; 18.6 to 20.2; 22.4 to 23.8; 113.25 to 114.2; 120.4 to 121.8; 123.4 to 123.7; 126.0 to 128.9.

August 3.—Inspection of the Canadian Pacific Railway Company's bridge at mile 78.4, Moosejaw subdivision.

August 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 17.7, Brandon subdivision.

August 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 14.3, Brandon subdivision.

August 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 9.6, Brandon subdivision.

August 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 32.4, Brandon subdivision.

August 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 5.9, Brandon subdivision.

August 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 11.9, Brandon subdivision.

August 4.—Inspection for opening for traffic of the Canadian Pacific railway, Weyburn-Westerly branch, from Shaunavon, mile 230.8 to Govanlock, mile 307.3, distance 76.5 miles.

August 5.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 87.0, Swift Current subdivision.

August 5.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 92.1, Swift Current subdivision.

August 5.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 109.4, Swift Current subdivision.

August 5.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 101.2, Swift Current subdivision.

August 5.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 73.4, Swift Current subdivision.

August 5.—Inspection of the Canadian Pacific railway, Suffield-Blackie branch, mile 26.3 to 57.2, *re* removal of speed restrictions.

August 5.—Inspection for opening for traffic of the Canadian Pacific railway, Suffield-Blackie branch, mile 57.2 to 84.

August 5.—Inspection of the Canadian Pacific railway, British Columbia division, *re* extension of Waldo branch, in connection with application of the Ross-Saskatoon Lumber Company.

August 7.—Inspection for opening for traffic of the Kootenay Central (C.P.R.), mile 41 to 59.

August 7.—Inspection of the Canadian Pacific railway, Laggan subdivision, *re* condition of timber lining in tunnels and change of time-tables of trains Nos. 2 and 3.

August 10.—Inspection and arbitration between the city of Calgary and the Canadian Pacific railway *re* disputed charges on 9th avenue subway, Calgary.

August 10.—Inspection in connection with complaint of the town of Kenora, Ont., per J. R. Britt, mayor, that the bridge over waterway in said town, controlled by the Rat Portage Lumber Company and the Canadian Pacific railway, is interfering with navigation.

August 13.—Inspection of the Canadian Pacific railway Asquith-Conquest branch, from a point on the Pheasant Hills branch near Asquith for 41.62 miles, to a point near Conquest on the Moosejaw northwesterly branch, and also *re* Canadian Pacific railway construction across highways, mile 0 to 41.62.

August 14.—Inspection of the Canadian Northern railway, in the municipality of Whitehead, *re* conditions of crossings.

6 GEORGE V, A. 1916

August 19.—Inspection of the Grand Trunk Pacific railway, *re* widening of road at crossing north of Balcarres, Sask., in connection with complaint of the rural municipality of Abernethy, No. 186.

August 26.—Inspection for opening for traffic of the Canadian Northern railway, Wakopa subdivision, from Adopha, mile 51.84 to mile 79.70, distance 27.86 miles.

August 26.—Inspection of the Grand Trunk railway *re* proposed extension of Albert street across said company's lands in Victoriaville, Quebec.

August 29.—Inspection of the Dominion Lumber and Fuel Company, and T. D. Robinson and Sons, Limited, *re* spur.

August 29.—Inspection for opening for traffic of the Canadian Northern railway *re* new high level freight track over the Assiniboine river, and viaduct over Main street, and trestle connecting with the old line at Clark street, from the east end of the Assiniboine river to Clark street, distance 3,600 feet.

September 2.—Inspection for opening for traffic of the Canadian Pacific railway Moosejaw subdivision, single track diversion, mile 50 to 59.8, distance 9.8 miles, and new second track mile 59.8 to 67.6, distance 7.9 miles.

September 2.—Inspection in connection with complaint of the municipality of Qu'Appelle, against crossing as constructed on the east side of the town known as Pasqua street.

September 2.—Inspection of proposed farm crossing for Mrs. Copeland near Deep Brooke on the Dominion Atlantic railway.

September 3.—Inspection of North Mountain branch of the Dominion Atlantic railway for opening for traffic.

September 4.—Inspection of the Downie Combination Track Gauge and Recorder at Preque Isle, Maine.

September 4.—Inspection for opening for traffic of the Canadian Pacific railway Broadview subdivision, second track from mile 116.8 to Percival, mile 123.8, distance 7 miles.

September 8.—Inspection for opening for traffic of the Canadian Northern railway partly across Rainy Lake, Ont., from mile 226.4 to mile 227.2, distance 0.8 miles.

September 10.—Inspection of the Canadian Pacific railway to open its line for the carriage of traffic from mile 42 to end of track, Oakland branch, distance 12 miles.

September 10.—Inspection of the Canadian Northern railway *re* accident between M. P. 227 and 228, Kamsack subdivision, on November 26, 1913.

September 10.—Inspection of Henry Lasher's farm crossing at Roblindale on the line of the Campbellford, Lake Ontario and Western railway.

September 11.—Inspection of the Canadian Pacific railway *re* construction of spur track across Gordon avenue, Winnipeg, to and into premises of the Canadian Oil Company, Ltd.

September 14.—Inspection of the Canadian Pacific railway for opening for traffic of grade revision and line diversions, on the Soo branch.

September 15.—Inspection of the Algoma Central and Hudson Bay railway bridge at undercrossing of the Canadian Pacific Railway line, at Sault Ste. Marie, Ontario.

September 15.—Inspection of the Grand Trunk Pacific railway *re* to receive, deliver, and forward upon and from the existing spur now serving the property of the Tuxedo Park Company, Limited, the Canada Cement Company, Limited, and South Winnipeg.

September 15.—Inspection of the Canadian Pacific railway for interlocking plant at the crossing of the Bergen cut-off with the Lac du Bonnet subdivision (Winnipeg terminals).

September 15.—Inspection of the Canadian Pacific railway for interlocking plant where its Brandon branch at mile 5.6 at Woodman crosses the tracks of the Canadian Northern railway, Oak Point subdivision.

## SESSIONAL PAPER No. 20c

September 15.—Inspection of the Canadian Pacific railway for interlocking plant at the crossing of its Bergen cut-off with its Winnipeg Beach Branch (Winnipeg terminals).

September 15.—Inspection of the Canadian Pacific railway for interlocking plant at the crossing of its Bergen cut-off with its Arborg subdivision, mile 3.6 (Winnipeg terminals).

September 15.—Inspection of the Great Northern railway at McKelvie, *re* having farm crossing on John Shields' property of Brandon, Man., N.W.  $\frac{1}{4}$ , section 18-9-19, enlarged so as to be of sufficient width for the passing of his implements.

September 15.—Inspection for opening for traffic of the Kettle Valley railway (C.P.R.); west of Penticton, mile 17 to 40.9.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, to open crossing half a mile west of Malakwa, for Aug. Erickson.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, *re* farm crossing for B. Sederberg.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, to open crossing from Government road.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, to open farm crossing one mile east of Taft station, for J. Cullie.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, to open public road crossing one hundred yards east of Malakwa station.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, *re* culvert under right-of-way for B. Sederberg.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, to open crossing one and a half miles west of Malakwa for B. F. Somerville.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Malakwa district, *re* fencing.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Craigellachie district, *re* fencing in connection with complaints of Charles Fuller and Mike Luckoff.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Craigellachie district, *re* farm crossing for A. Drummond.

September 17.—Inspection of the Canadian Pacific railway, Shuswap subdivision, Craigellachie district, to open culverts to drain Willis lake under said railway.

September 17.—Inspection of the Canadian Pacific railway, Sicamous to Okanagan Landing at Enderby, *re* public road crossing.

September 17.—Inspection of the Algoma Central and Hudson Bay railway to open for carriage of traffic, from Aba to Hearst, Ontario.

September 17.—Inspection of the Canadian Pacific railway, Lake Superior division, for exemption from fencing right-of-way.

September 17.—Inspection *re* application of the Dominion Lumber and Fuel Company, Limited, and T. B. Robinson & Sons, Limited, *re* spur.

September 18.—Inspection of cattle pass on farm of A. G. Waite, 3 miles west of Streetsville Junction on the line of the Canadian Pacific railway.

September 20.—Inspection of the Canadian Pacific Railway Company's bridges at Sudbury subdivision.

September 25.—Inspection of the Canadian Pacific Railway Company's culvert 91.1 in Champlain, Que., in connection with complaint of municipality of Champlain.

September 25.—Inspection of the Canadian Northern Quebec railway *re* subway at Station avenue, Shawinigan Falls, Que.



6 GEORGE V, A. 1916

September 25.—Inspection of the Grand Trunk Pacific Railway Company to build a crossing across the main line of the railway about half way between miles 117 and 118, west of the townsite of Zelma, and on the centre line running north and south through section 21-23-28, W. 2nd M., for the rural municipality of Morris.

September 25.—Inspection of the Canadian Pacific railway to open for traffic bridge No. 84-55, Bredenburg subdivision.

September 26.—Inspection of the Canadian Pacific railway, Red Deer subdivision, to open crossing in S.W. $\frac{1}{4}$  of Section 7-31-1, west 5th meridian, for P. P. Dick.

September 25.—Inspection for opening for traffic of the Canadian Pacific railway Shuswap subdivision, mile 4-4 to 25 and 103-4 to 128-9, Thompson subdivision, mile 0-5 to 5-7.

September 28.—Inspection for opening for traffic of the Canadian Pacific Railway's bridge No. 45-8, McAuley subdivision (formerly Pheasant Hills, subdivision).

September 28.—Inspection of the Canadian Northern railway, Athabasca subdivision, *re* culverts, in connection with complaint of local improvement district No. 549 near Morinville.

September 28.—Inspection of the Edmonton, Dunvegan and British Columbia railway in connection with complaint *re* culvert of District No. 540 near Morinville between section 5 and 6-25-4 and section 32-55-24-4.

September 28.—Inspection of interlocking plant on the Edmonton, Dunvegan and British Columbia railway crossing the Canadian Northern railway near Morinville.

September 29.—Inspection of the Canadian Pacific railway, Virden McAuley branch, from Virden, mile 0 to 13-5, with a view of relieving the company of speed restriction.

September 30.—Inspection of under crossing at mileage 6-3 on the Teeswater subdivision of the Canadian Pacific railway in the township of Amaranth.

October 1.—Inspection *re* application of Robert Wallace and others, South Norfolk, for a subway between sections 24 and 25, township 11, range 12, W.P.M.

October 2.—Inspection of the Canadian Pacific railway to open for traffic bridge No. 7, Emerson subdivision.

October 2.—Inspection of interlocking plant of the Canadian Pacific railway and Canadian Northern Quebec railway L'Epiphanie, Quebec.

October 2.—Inspection of location of the Hawkins Brothers' spur on Wakefield street, Parry Sound, Ontario, on the line of the Canadian Northern Ontario railway.

October 3.—Inspection of the Central Vermont Railway Company's bridge over main road *re* complaint of the village of Richelieu, Que.

October 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 18-7, Emerson subdivision.

October 3.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge No. 14-7, Emerson subdivision.

October 7.—Inspection of the Canadian Northern railway, west of Edmonton, for traffic interlocking plant, over Grand Trunk Pacific railway, section 31-53-10, west 5th meridian.

October 7.—Inspection of the Campbellford, Lake Ontario and Western railway *re* interlocking plant at crossing of Oshawa Electric railway, Oshawa, Ont.

October 8.—Inspection of the Canadian Northern Ontario railway between North Bay and Capreol for opening for traffic.

October 10.—Inspection for opening for traffic of the Canadian Northern railway from Avonlea to Gravelburg, distance 79 miles for a further extension of time.

October 13.—Inspection of subway at Neston, Ont., on the line of the Grand Trunk railway.

October 14.—Inspection of the Canadian Pacific railway, Laggan subdivision, *re* smoke in field tunnels.

October 16.—Inspection for opening for traffic of the Kettle Valley railway (C.P.R.), mile 133-7 to 75-6, west of Midway.

## SESSIONAL PAPER No. 20c

October 16.—Inspection *re* private farm crossing on property of Mr. John Shields, Brandon, Manitoba.

October 16.—Inspection of the Canadian Pacific railway *re* Mill road diversion, Kemptville, Ont.

October 18.—Inspection for opening for traffic of the Canadian Pacific railway, boundary subdivision, bridge 94.

October 18.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge 119.2, boundary subdivision.

October 19.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge 98.1, McLeod subdivision.

October 19.—Inspection of the Canadian Pacific railway, Mountain subdivision, *re* farm crossing for Mrs. C. M. Fraser, Revelstoke, B.C.

October 19.—Inspection of the Canadian Pacific railway and the Great Northern railway *re* request of Public Service Commission of the State of Montana with respect to train service between Great Falls and Calgary by way of Sweetgrass.

October 20.—Inspection of the Canadian Northern Ontario railway between Chaffey's Lock and Perth road pit, a distance of 11.4 miles with a view to removal of speed restrictions.

October 21.—Inspection of road crossing between lots 10 and 11, concession 3, township of North Orillia, on the line of the Grand Trunk railway west of Uthoff, Ont.

October 22.—Inspection of site of proposed extension of Fisher road between lots 8 and 9, township of Niagara, across the track of the Michigan Central railroad.

October 22.—Inspection of public road crossing between lots 22 and 23, concession 1, township of Grimsby, on the line of the Canadian Northern Ontario railway.

October 22.—Inspection of highway crossings on the Campbellford, Lake Ontario and Western railway, in the township of Hope and Clark, Ontario.

October 28.—Inspection of the Grand Trunk and Canadian Pacific Railway Companies' subways *re* drainage complaint from municipality St. Anne de Bellevue, Que.

October 31.—Inspection for opening for traffic of the Canadian Pacific railway, Winnipeg Beach branch, extension line from Gimli to Riverton, distance 26 miles.

November 2.—Inspection *re* crossing at Syndicate avenue, Fort William, Ont.

November 3.—Inspection of the Glengarry and Stormont railway *re* McGillis cattle pass, Dalhousie Mills, Ont.

November 4.—Inspection *re* the Grand Trunk Pacific stock yards spur crossing the east main line of the Canadian Northern railway at Dawson road.

November 5.—Inspection of the Georgian Bay and Seaboard railway *re* highway crossings in the township of Eldon.

November 6.—Inspection *re* compelling the Canadian Pacific railway to grade a road into the town of Alida, or collect tolls from the company for this townsite by the municipality of Reciprocity No. 32, per J. A. Leamy, New Home, Sask.

November 9.—Inspection for opening for traffic of the Canadian Pacific railway, Shuswap subdivision, bridge 24.2.

November 9.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge 109.36, Mountain subdivision.

November 9.—Inspection for opening for traffic of the Canadian Pacific Railway Company's bridge 117.4, Shuswap subdivision.

November 9.—Inspection of the Canadian Pacific railway *re* application to open for traffic bridge No. 66.6, Souris subdivision.

November 9.—Inspection *re* complaint of the rural municipality of Walpole, for crossings, on the Maryfield-Lethbridge branch of the Canadian Northern railway.

November 9.—Inspection of the Grand Trunk Pacific *re* application for an order authorizing permanent exemption from erecting and maintaining fences on its line west of Winnipeg.

6 GEORGE V, A. 1916

November 9.—Inspection *re* the unsatisfactory condition of crossings, and that cattle-guards in the rural municipality of Morton are insufficient protection to live stock, *re* application of the Board of Trade, Brandon, Man.

November 10.—Inspection for opening for traffic of the Canadian Pacific railway, Cascade subdivision, bridge 68-3.

November 11.—Inspection of the Canadian Pacific railway *re* crossing to be constructed at a point west of Balcarres for the municipality of Abernethy, No. 186.

November 11.—Inspection of the Canadian Pacific railway *re* interlocking plant at crossing with the Quebec, Montreal and Southern railway, Iberville Junction, Que.

November 12.—Inspection of the Canadian Pacific railway proposed road diversion, Highlands, Que., *re* complaint of town of Lasalle.

November 12.—Inspection of drainage system through the Canadian Pacific railway property at Theodore.

November 12.—Inspection of road diversion on the Canadian Northern Ontario railway near Pembroke, Ont.

November 16.—Inspection of the Canadian Northern railway, Calgary subdivision, *re* removal of speed restrictions.

November 16.—Inspection for opening for traffic of the Canadian Northern railway, Camrose cutoff to Strathcona.

November 17.—Inspection of the Campbellford, Lake Ontario and Western railway at Bowmanville, Ont., *re* interlocking plant at crossing with Toronto Eastern railway.

November 18.—Inspection of the Campbellford, Lake Ontario and Western railway at Parham, Ont., *re* interlocking plant at crossing with the Kingston and Pembroke railway.

November 18.—Inspection of street crossings on the Lachine, Jacques Cartier and Maisonneuve railway, Montreal, Que.

November 19.—Inspection for opening for traffic of the Canadian Pacific railway, Swift Current N. W. branch, from Westerham, mile 94, to mile 110-8, distance 16 miles.

November 19.—Inspection for opening for traffic of the Canadian Pacific railway, Bassano-Empress line, from mile 0 to mile 118-3, with a view of removing speed limitation of 20 miles an hour between mile 0 to 75, and 18 miles an hour between mile 118-8 and 110-8.

November 20.—Inspection of the Canadian Pacific railway, McLeod subdivision, *re* half interlocker on 11th street east, Calgary city street railway crossing.

November 20.—Inspection of the Canadian Pacific railway *re* Thomas Culhane's cattle pass, Opeongo, Ont.

November 21.—Inspection *re* application of the city of Regina to carry city street railway across the tracks of the Grand Trunk Pacific on Dewdney street.

November 23.—Inspection of the Canadian Pacific Railway Company's bridge No. 1-9, Prescott subdivision.

November 25.—Inspection of the Blainville street crossing of the Canadian Pacific railway Ste. Thérèse, Que.

November 25.—Inspection for opening for traffic of the Canadian Pacific railway line from Assiniboia, mile 112 to Woodrow, mile 145-7 with a view of relieving the company of a speed limit of 18 miles an hour, and from Woodrow, mile 145-7 to Shaunavon, of a speed limit of 25 miles an hour.

November 26.—Inspection for opening for traffic of the Canadian Pacific railway, eastern division.

November 26.—Inspection of the Canadian Pacific railway siding at Forward, Sask.

November 26.—Inspection for opening for traffic of the Canadian Pacific railway, Weyburn west branch, from Shaunavon, mile 230-8 to Govelock, mile 307-3, a distance of 75 miles, with a view of removing speed limit.



## SESSIONAL PAPER No. 20c

November 27.—Inspection of Toronto Eastern railway from Whitby to Bowmanville for opening for traffic.

December 2.—Inspection of farm crossing for Mr. Colwell on the line of the Campbellford, Lake Ontario and Western railway near Newcastle, Ont.

December 3.—Inspection of the Canadian Pacific railway on public road along Oxford Mountain Railway, Windsor Mills, *re* complaint of municipality of Brompton.

December 3.—Inspection of the Canadian Pacific railway, Bird's Hills subdivision, between Bird's Hill and Grand Marais, distance 49.1 miles.

December 4.—Inspection for opening for traffic of the Canadian Northern railway, Grosse Isle subdivision, from Inwood to Hodgson, distance 50 miles.

December 7.—Inspection of the Canadian Northern railway, Manitoba railway, from Deerfield Junction to Steep Rock, distance 12½ miles.

December 9.—Inspection for opening for traffic of the Canadian Pacific railway, Moosejaw S.W. branch, from mile 0 to 50, part of this inspection, namely, to mile 35, with a view of removing speed limit.

December 10.—Inspection of the Canadian Northern Quebec Railway Company's tracks, on Montfort branch.

December 11.—Inspection for opening for traffic of the Kootenay Central railway (C.P.R.), mile 23 to 82.5.

December 15.—Inspection of Glengarry and Stormont railway for opening for traffic.

December 16.—Inspection of the Moore street bridge, Toronto, Ont.

December 17.—Inspection of the Erie and Ontario railway for opening for traffic from Smithville to Dunnville, Ont.

December 18.—Inspection of diversion of Grand Trunk railway near Thorold, Ont.

December 19.—Inspection of the Boston and Maine railroad crossing at Ives street, Rock Island, Que.

December 21.—Inspection *re* accident on the Grand Trunk Pacific railway, at Transcona shops, by which A. A. Simonson was injured.

December 21.—Inspection *re* accident on the Grand Trunk railway at Kenora, Ont., November 17, 1913.

December 24.—Inspection of the Hamilton street overhead foot bridge, *re* application of city of Regina.

December 30.—Inspection of the Grand Trunk railway street crossings, Casselman, Ont.

December 30.—Inspection for opening for traffic of the Canadian Pacific railway, Thompson subdivision, mile 0 to 0.5.

December 30.—Inspection *re* complaint of the rural municipality of Carmichael No. 109, road crossing over the Canadian Pacific railway, Swift Current subdivision, between sections 32 and 33-12-20, west third division.

January 4.—Inspection of the Canadian Northern railway *re* spur track across Victoria avenue, and down the lane in block 41, Brandon, Man., in connection with complaint of Messrs. Cook and Wayling.

January 4.—Inspection of bridges on the Grand Trunk railway at Windsor, Ont.

January 5.—Inspection of Mimico industrial spur, Mimico, Ont.

January 7.—Inspection *re* application of the municipality of West Kildonan for crossing over the tracks of the Selkirk branch of the Canadian Pacific railway, Inniskillen avenue.

January 11.—Inspection *re* dangerous conditions of crossings on the Canadian Northern railway in connection with complaint of the municipality of Strathclair.

January 12.—Inspection of the Quebec and Lake St. John railway from Quebec to Chicoutimi.

January 18.—Inspection *re* complaint of the municipality of Whitehead, against crossings on the Canadian Northern railway.

6 GEORGE V, A. 1916

January 18.—Inspection of the Grand Trunk Railway bridge over Welland canal, near St. Catharines, Ont.

January 19.—Inspection of highway crossing on Grand Trunk railway, near Huntsville, Ont.

January 19.—Inspection of Canadian Pacific Railway bridges, Ontario division.

January 19.—Inspection *re* relieving the Grand Trunk Pacific B. L. Railway Company from erecting and maintaining fences, gates and cattle-guards on its Melville-Canora branch, mile 0 to 54.72.

January 21.—Inspection *re* keeping open two crossings on the Grand Trunk Pacific boundary line on the north and east sides of section 8, township 10, range 13, west 2nd meridian, mile 63.1.

January 21.—Inspection *re* relieving the Grand Trunk Pacific Branch Lines Company from erecting and maintaining fences, gates and cattle-guards on its Regina boundary branch, mile 0 to 155.

January 21.—Inspection of street crossings on the Lachine, Jacques Cartier and Maisonneuve railway, Montreal, Que.

January 21.—Inspection of the Canadian Pacific Railway highway crossings, in the township of W. Missouri.

January 21.—Inspection of the Grand Trunk Railway bridges, Buffalo and Goderich division.

January 22.—Inspection *re* relieving the Grand Trunk Pacific Railway Branch Lines Company from erecting and maintaining fences, gates and cattle-guards on its Moosejaw N.W. branch mile 0 to 66.

January 22.—Inspection *re* relieving the Grand Trunk Pacific Branch Lines Company from erecting and maintaining fences, gates and cattle-guards on its Moosejaw N.W. branch from mile 0 to 66.

January 22.—Inspection *re* relieving the Grand Trunk Pacific Branch Lines Company from erecting and maintaining fences, gates and cattle-guards on its Melville-Regina branch, mile 0 to 97.0.

January 25.—Inspection of the Grand Trunk Pacific *re* highway crossings on its Regina-Melville branch.

January 25.—Inspection of the Lake Erie and Northern Railway bridge over the Grand river at Brantford, Ont.

January 25.—Inspection of location of Hamilton Radial railway on Sherman inlet, Hamilton, Ont.

January 28.—Inspection *re* crossings across the Canadian Pacific Railway and the Canadian Northern Quebec Railway Companies' right of way, municipality of d'Argenteuil.

January 28.—Inspection *re* public crossing across the Quebec, Montreal and Southern Railway tracks at St. James street, town of St. Lambert.

January 29.—Inspection of the Canadian Northern Quebec Railway sidings across Stadacona and Marlboro streets in Hochelaga ward, Montreal, Que.

January 29.—Inspection for opening for traffic of the Canadian Pacific railway, Edmonton subdivision, bridge 9-3.

January 29.—Inspection for opening for traffic of the Edmonton, Dunvegan and British Columbia railway, mile 0 to 261.7.

February 1.—Inspection of bridge at Carlaw avenue, Toronto, Ont.

February 1.—Inspection of interlocking plant at Dunnville, Ont.

February 2.—Inspection of the Canadian Pacific railway, Bassano-Empress line, *re* Mr. Nikolai's farm crossing, section 27-20-10, west 4th meridian.

February 3.—Inspection of the Canadian Pacific Railway bridge No. 3-6, Prescott subdivision.

February 4.—Inspection of the Canadian Pacific Railway bridges, Brockville subdivision.

## SESSIONAL PAPER No. 20c

February 4.—Inspection *re* application of R. G. Shackelford, Keyes, Man., for a private crossing with gates on the northwest quarter-section 33-14-13, Canadian Pacific railway.

February 5.—Inspection of the Grand Trunk Pacific railway, west of Edmonton, *re* complaint of R. P. Cull, of Fallis, Alta., *re* right of way and road crossing.

February 5.—Inspection of the Grand Trunk Pacific, west of Edmonton, *re* road crossing report.

February 9.—Inspection of the Canadian Pacific Railway Company's bridges on the Bobcaygeon subdivision.

February 10.—Inspection of the Grand Trunk Railway Company's bridges, Hamilton-Allandale, 13th district.

February 11.—Inspection of the Canadian Pacific Railway Company's bridges, Port Burwell subdivision.

February 11.—Inspection of the Grand Trunk Pacific for approval of highway crossing in the northwest quarter-section 11-11-3, west principal meridian.

February 12.—Inspection of the Canadian Pacific railway, Cascade subdivision, *re* fencing for H. Graham, Indian agent at Lytton.

February 12.—Inspection of the Canadian Pacific Railway Company's bridges, Hamilton-Goderich subdivision.

February 14.—Inspection of interlocking plant at Attercliffe, Ont.

February 15.—Inspection *re* protection of street crossings in the city of Port Arthur.

February 16.—Inspection of the Canadian Pacific railway *re* operation of its trains over the following bridges, namely: Main street north, Parkside street, Scotia street, East Kildonan road; all in the municipality of Kildonan.

February 16.—Inspection of the Canadian Pacific railway *re* operation of its trains over bridge No. 8-4, Winnipeg Beach branch.

February 16.—Inspection of the Canadian Pacific Railway Company's tracks, St. Thomas branch.

February 18.—Inspection of the Canadian Pacific Railway Company's bridge on St. Patrick street, town of Lasalle, Que.

February 19.—Inspection of the Canadian Pacific Railway Company's bridge 42-4, near Acton Vale, Quebec, Drummondville subdivision.

February 22.—Inspection for opening for traffic of the Canadian Pacific railway, Lethbridge subdivision, bridge at 13th street, Lethbridge.

February 23.—Inspection of cattle pass on farm of Mr. Vandervoort, Belleville, Ont., on the line of the Campbellford, Lake Ontario and Western railway.

February 23.—Inspection of road crossings through station yards *re* complaint of the board of trade of Dunner, Sask.

February 24.—Inspection of overhead bridges on the London and Port Stanley railway.

February 26.—Inspection of the Canadian Pacific Railway Company's bridge No. 52-3 near Allandale, Ont., Havelock subdivision.

March 1.—Inspection *re* application of the corporation of Fort William, Ont., for authority to operate highway and street railway traffic over the Canadian Pacific Railway bridge and approaches across Kaministiquia river.

March 4.—Inspection of the Canadian Pacific Railway crossing gates at St. Maurice, St. Thomas and Bonaventure streets, Three Rivers, Quebec.

March 5.—Inspection of the public road crossing over the Grand Trunk Pacific railway at Vanderhoof, B.C.

March 6.—Inspection for opening for traffic of the Canadian Pacific Railway bridge No. 0-41, Fort William terminals. (3rd track over McVicar street.)

March 6.—Inspection of the Canadian Northern railway *re* not fencing their right of way through the property of Mr. Charles J. Miller, Canora, Sask.



6 GEORGE V, A. 1916

March 9.—Inspection *re* accident on the line of the Canadian Northern Railway M. P. 320, Humboldt subdivision.

March 9.—Inspection *re* accident on the line of the Canadian Northern railway between mile post 227 and 228, on November 26, 1913, Kamsack subdivision.

March 12.—Inspection of crossing of George street by the Campbellford, Lake Ontario and Western railway in town of Cobourg, Ontario.

March 12.—Inspection of Division Street subway in the town of Cobourg, Ont., on the Grand Trunk railway.

March 15.—Inspection of site of proposed extension of Wyandotte street across the tracks of the Michigan Central railway at Windsor, Ontario.

March 15.—Inspection of the Canadian Pacific railway *re* replacement at bridge No. 18-1, Moosejaw subdivision.

March 15.—Inspection of private crossing, one mile west of Indian Head, *re* application of Mr. Gardiner.

March 15.—Inspection of the Canadian Pacific railway at Burwash, Ont., *re* crossing asked for by the Ontario Government.

March 16.—Inspection of the Canadian Pacific railway at Livingston, Ont., *re* application of township of Thessalon, for public crossing.

March 16.—Inspection of the Canadian Pacific railway, Lethbridge subdivision, bridge at 13th street, Lethbridge, Alta., *re* if constructed satisfactory to the city of Lethbridge and if the division of cost was satisfactory.

March 16.—Inspection of farm crossing on property of Mr. Good at Richmond, Ont., on the line of the Canadian Northern Ontario railway.

March 18.—Inspection of highway crossing over the Grand Trunk railway at James street, Brantford, Ont.

March 18.—Inspection of the Algoma Central and Hudson Bay railway at Island Lake, Ont., *re* complaint of G. Goodrow about siding and fencing.

March 18.—Inspection *re* condition of tracks on the Athabaska subdivision; Stony-Plain subdivision; Edmonton, Yukon and Pacific subdivision; Edmonton subdivision; Vermilion subdivision; Sturgeon River subdivision; Cut Knife subdivision, being portions of line of the Canadian Northern railway in Alberta and Saskatchewan.

March 19.—Inspection of the Canadian Pacific Railway Company's bridge over Magnetawan river, Byng Inlet, Ontario.

March 19.—Inspection of interlocking plant at crossing of the Grand Trunk railway by the Glengarry & Stormont railway at Cornwall, Ontario.

March 20.—Inspection *re* application of the rural municipality of Gull Lake, No. 139, for an order directing that said crossing be made at the S.E. section 613-2, west 3rd meridian.

March 20.—Inspection of the Grand Trunk Railway Company's bridges, Northern division.

March 22.—Inspection for opening for traffic of the Canadian Northern railway, St. Albert West to mile 35, junction of Peace River line.

March 23.—Inspection of site of proposed highway crossing on the Waltham branch of the Canadian Pacific railway about a mile north of McKee station.

March 25.—Inspection of interlocking plant at Trenton, Ont.

March 26.—Inspection of subway at Bridgebury, Ontario.

March 26.—Inspection of the Grand Trunk and Canadian Pacific Railway Companies' drainage of subways, St. Annes, Que.

March 27.—Inspection of the track conditions of the Canadian Pacific railway, St. Augustine, Que.

March 28.—Inspection of crossing of the Port Burwell road by the single track of the Canadian Pacific railway at mile 32-7, near Port Burwell, Ont.

March 29.—Inspection of Dominion Atlantic railway from Somerset to Weston for opening for traffic.

## SESSIONAL PAPER No. 20c

March 30.—Inspection of the Canadian Pacific Railway bridges at Fredericton, N.B.

March 30.—Inspection of interlocking plant where the Winnipeg Northern railway (C.N.R.) crosses the Canadian Pacific railway, in lot 101, Parish of St. Paul.

March 31.—Inspection for an underground crossing or cattle pass on the property of Walter G. Budd, Rapid City, Man., on the NE.  $\frac{1}{4}$  of section 23-13-20, west principal meridian, on the Canadian Pacific railway.

March 31.—Inspection for opening for traffic of the Edmonton, Dunvegan and British Columbia railway, mile 261.7 to 287.

6 GEORGE V, A. 1916

## APPENDIX "F."

REPORT OF THE OPERATING DEPARTMENT FOR THE YEAR ENDING  
MARCH 31, 1915.

June 29, 1915.

Mr. A. D.-CARTWRIGHT,  
Secretary,  
B.R.C. Building.

DEAR SIR,—I have the honour to submit herewith, for the tenth report of the board, the report of the operating department for the year ending March 31, 1915.

It is impracticable, of course, to make reference, in detail, to the work of the department for the year. But the various subject matters following together with the several statements appended hereto, will, no doubt, convey to the reader some idea as to the nature and extent of the work.

During the year accidents to the number of 1,468, covering 337 persons killed and 1,363 persons injured, were reported by the various railway companies under the board's jurisdiction. The attention of the reader is herewith directed to statement No. 1.

Statement No. 2 is a comparative statement of the killed and injured, classified, as between the year ending March 31, 1915, and the preceding year. This statement should, indeed, be very gratifying inasmuch as it shows a very substantial decrease under every heading, with a grand total decrease of 257 persons in the number of killed and 536 persons in the number of injured. In other words, there is a decrease of 43 per cent in the killed and 28 per cent in the injured over the preceding year.

A perusal of statement No. 3 will show that, out of the 337 persons killed, there were trespassers to the number of 170, which figure represents, approximately, 50 per cent of the grand total killed for the year. It will be observed that there were 47 persons killed as a result of highway crossing accidents, or approximately 14 per cent of the grand total killed. The number of person killed on account of being run down by a moving engine or car is shown as 33, or approximately 10 per cent of the grand total killed. The headings dealing with collisions, head-on and rear-end, and derailments, account for 21 persons killed, or 6.23 per cent of the grand total killed. It will be observed that there were no passengers killed as a result of derailments and collisions. It is pointed out that there were three persons killed while jumping off trains in motion and two persons killed in attempt to board train in motion. On referring to the injured column, it will be observed that there were 126 injured while trespassing, or 9.24 per cent of the grand total injured. There were 90 persons injured as a result of highway crossing accidents, or 6.60 per cent of the grand total injured. The headings referring to collisions and derailments show that 259 persons were injured, or 19 per cent of the grand total injured. It is pointed out that, out of the 259 injured as above in derailments and collisions, 149 were passengers, or approximately 57 per cent. There were 45 persons injured jumping off trains in motion and 29 persons injured whilst attempting to board trains in motion, or 3.30 per cent and 2.13 per cent respectively of the grand total injured.

Statement No. 5 shows the increases and decreases as between the various accidents for the years ending March 31, 1914 and 1915. Attention is particularly directed to the decrease of 32 persons killed and 175 persons injured as a result of derailment. There is an increase of 17 persons injured and a decrease of 5 killed as a result of



## SESSIONAL PAPER No. 20c

head-on collision. Under the heading "Rear-end collision" it will be observed that there is a decrease of 7 persons killed and 26 persons injured. At highway crossings protected by gates there is a decrease of 4 killed and 3 persons injured. At highway crossings protected by bell there is an increase of 1 person killed and 1 injured. At highway crossings protected by a watchman there is a decrease of 4 persons killed and 7 injured. At unprotected highway crossings there is a decrease of 7 killed and 16 injured. As regards trespassers there is a decrease of 68 persons killed and 38 persons injured. Under the heading "Run down by moving engine or car" there is a decrease of 23 persons killed and 23 injured. Under the heading "Adjusting couplers, etc.," there is a decrease of 4 persons killed and 22 persons injured. The heading "Jumping off train in motion" shows a decrease of 4 killed and 10 injured and under the heading "Attempt to board train in motion" there is a decrease of 6 persons killed and 18 persons injured. The last heading on this statement "Locomotive dropped crown sheet of firebox" shows a decrease of 2 persons killed and 1 person injured.

The figures set forth in statement No. 11 shows that during the year investigations into accidents numbered 466, covering 143 persons killed and 572 persons injured. This as against 714 investigations covering 238 persons killed and 938 persons injured for the preceding year. It will be observed that, deducting the number of trespassers killed, 170, all accidents attended by fatal results, with the exception of 24, were inquired into.

The matter of protection at public highway crossings is made reference to in statement Nos. 13 and 14. It will be observed that protection in one form or another, has been ordered at 251 highway crossings during the past three years; 65 highway crossings having been protected during the past year. The majority of these crossings have received financial assistance from the Railway Grade Crossing fund.

It will be observed by a glance at statement No. 16 that, since the inception of the board, or for the past eleven years, accidents covering 5,233 persons killed and 13,126 persons injured have been reported by the various railways under the board's jurisdiction.

Statement No. 17 sets out the number of persons killed and injured in the more prominent accidents during the past five years.

A check of statement No. 18 shows that the matter of percentage of freight cars controlled by air brakes in trains is receiving attention. The order of the board sets the minimum at 85 per cent, while the average works out to 91.75 per cent.

Statements Nos. 19, 20 and 21 deal with the matter of safety appliance inspection on freight cars. It will be observed that there were 105,486 cars inspected, out of which 6,578 cars were defective, or 6.24 per cent. There were 7,009 defects reported against the 6,578 defective cars. It is pointed out that 541 terminal inspections were made to obtain the above results.

Application for approval of station locations to the number of 116 were examined and approved as set out in statement No. 22.

A perusal of statement No. 23 shows that during the year complaints and applications to the number of 437 were inquired into and reported upon.

A large number of informal matters were reported by the inspectors, all of which were taken up and disposed of by direct correspondence with the various railway officials.

A systematic inspection of station buildings and passenger cars as regards accommodation, cleanliness, etc., has been carried on throughout the year with good results.

During the year locomotives to the number of 7,477 were inspected, out of which 1,141 reported as defective, or 15.26 per cent.

Under Order No. 14115, dated April 14, 1911, railway companies are required to file monthly and annual inspection reports for each and every locomotive boiler and its appurtenances. A check of these reports shows that the requirements are generally

6 GEORGE V, A. 1916

being lived up to. It might be pointed out that there were only 3 persons injured during the year as a result of locomotives dropping crown sheets of fireboxes. In no case, however, did our inquiry reveal defective material or workmanship.

To accomplish the work briefly outlined above has required the travelling of 308,096 miles during the year.

The question of hand-rails and foot rests on tenders and cabs of locomotives is a matter that is now before the department for consideration. It has been suggested that these conveniences would render material assistance in reducing accidents. The matter should be finally disposed of very shortly.

Mention is herewith made of the interest railway companies are showing in the matter of providing steel passenger equipment. Our inquiry in this direction shows that, in so far as the several large railway companies are concerned, only cars of steel construction are now being built for passenger service.

The matter of the application for an order defining the maximum length of trains is a situation that is under investigation by the department. It has been suggested that there is considerable danger and hardship created by having to handle trains consisting of from 100 to 125 cars. The investigation is progressing and a report should be forthcoming at an early date.

Another important matter that is now before the department for inquiry and report is the question of protection afforded trains by sectionmen when the main track is disrupted on account of repairs. It is argued that sectionmen should be required to flag trains under Rule No. 99 of the Uniform Code of Operating Rules. The situation, it is expected, will be finally disposed of in the near future.

The question of standardizing the location of emergency air brake valve in passenger cars, or attaching a cord to the same to be accessible from any part of a car, is another matter that is now under consideration by the department. It has been suggested that, by adoption of the cord arrangement and the posting of instructions to passengers as to the use thereof, quite frequently a train can be brought to a stop by the application of the emergency valve by a passenger before serious results obtained. A report in this matter should be submitted without any great delay.

Complaint has been lodged that an element of danger is created by the fact of giving train and enginemen surprise tests on train signals. This matter is now being fully inquired into.

Attention is directed to Circular No. 139, January 13, 1915, requiring railway companies to post notices ten days prior to any change in passenger train service.

Circular No. 140, January 2, 1915, sets out certain instructions pertaining to the inspection of locomotive boilers and their appurtenances.

An interpretation of section 4 of Order No. 12225 is set out in Circular No. 137, October 7, 1914. This has reference to the matter of providing a conductor for light engines.

The matter of equipping cabooses with marker sockets in the lower position is covered by General Order No. 127, July 6, 1914.

General Order No. 128, 20th July, 1914, grants an extension of time in regard to complying with certain regulations pertaining to safety appliances as covered by General Order No. 102.

Reference is made to General Order No. 131, July 6, 1914, setting out that locomotives with certain defects must not be permitted in service.

All of which is respectfully submitted.

(Signed) GEO. SPENCER,  
*Chief Operating Officer.*

SESSIONAL PAPER No. 20c

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 1.—STATEMENT showing the Number of Persons Killed and Injured on various Railways in Canada under the jurisdiction of the Board for the Year ending March 31, 1915.

Name of Railway.	PASSENGERS.		EMPLOYEES.		OTHER PERSONS.		TOTAL.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	1	150	30	266	99	98	129	514
Canadian Pacific.....	6	26	41	96	88	76	135	198
Canadian Northern.....	1	19	9	235	16	21	26	275
Grand Trunk Pacific.....		7	3	62	2	15	5	84
Toronto, Hamilton and Buffalo.....			1	55	3	4	4	59
Canadian Northern Quebec.....		2	2	22	5	2	7	26
Pere Marquette.....		4	1	45	1	6	2	55
Michigan Central.....		2	1	28	4	6	5	36
Quebec, Montreal and Southern.....				2				2
Dominion Atlantic.....				2	1		1	2
Central Vermont.....						2		2
Atlantic, Quebec and Western.....		1						1
Halifax and South Western.....				1		1		2
Central Ontario.....			2				2	
Chatham, Wallaceburg and Lake Erie.....				1				1
Esquimalt and Nanaimo.....			1	2	1	1	2	3
Algoma Eastern.....				1				1
Quebec and Lake St. John.....						1		1
Winnipeg Joint Terminals.....				2				2
Windsor, Essex and Lake Shore.....		14	1	2		4	1	20
Erie and Ontario.....				1				1
Algoma Central and Hudson Bay.....				3	1		1	3
Morrissey, Fernie and Michel.....				1				1
Ottawa and New York.....			2	4		2	2	6
Brantford and Hamilton Electric.....					1	2	1	2
Wabash.....			4	8		1	4	9
Canadian Northern Ontario.....		8		6	5	5	5	19
St. Lawrence Adirondack.....		3	1	7	1	3	2	13
Niagara, St. Catharines and Toronto.....		3						3
Quebec Oriental.....						1		1
Vancouver, Victoria and Eastern.....				18				18
Boston and Maine.....				3	3		3	3
	8	239	99	873	230	251	337	1,363

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 2.—A COMPARATIVE STATEMENT of Killed and Injured between Year ending March 31, 1914, and Year ending March 31, 1915.

	PASSENGERS.		EMPLOYEES.		OTHERS.		TOTAL.	
	K.	I.	K.	I.	K.	I.	K.	I.
Year ending March 31, 1914.....	31	339	249	1,250	314	310	594	1,899
Year ending March 31, 1915.....	8	239	99	873	230	251	337	1,363
Increase over 1914.....								
Decrease over 1914.....	23	100	150	377	84	59	257	536



## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 3.—STATEMENT showing separately the Number of Passengers, Employees and others Killed and Injured, and the nature of the Accidents for Year ending March 31, 1915.

Character of Accidents..	PASSENGERS.		EMPLOYEES.		OTHERS.		TOTAL.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....		43	7	39			7	82
Collision head on.....		33	2	13			2	46
Collision rear end.....		33	5	15	2	1	7	49
Collision in yard.....		33	3	21			3	54
Collision with cars standing foul of main track.....				2				2
Collision with cars account open switch.....		1		3				4
Collision at level crossing.....		6		12	2	4	2	22
Highway crossing protected by gates.....				1	6	9	6	10
Highway crossing protected by bell.....					2	7	2	7
Highway crossing protected by watchman.....					2	5	2	5
Highway crossing unprotected.....				1	37	67	37	68
Private crossing.....					3	2	3	2
Trespassing.....			1	5	169	121	170	126
Working on or under engine.....			1	55	1		2	55
Unclassified.....	2	31	6	163	4	14	12	208
Adjusting couplers, coupling and uncoupling.....			7	38			7	38
Working on track or bridge.....			3	86			3	86
Falling off hand car, motor or velocipede.....			3	26	1		4	26
Hand car, motor, velocipede struck by train.....			5	9			5	9
Crawling under cars.....						1		1
Crawling through cars over couplers.....			1	1			1	1
Caught while passing through cars between couplers.....				4	1		1	4
Cars standing foul.....				7				7
Struck by switch stand, water spout, etc.....			1	8			1	8
Crushed between cars, buildings, platforms, etc.....				9				9
Explosion of locomotive boiler.....								
Falling off passenger train.....	2	8	1	2		1	3	11
Falling off tender while handling coal.....				6				6
Falling off tender while taking water.....				7				7
Working in shop.....			4	98			4	96
Riding on pilot of engine.....			2	6			2	6
Overhead bridge.....				1				1
Repairing cars on repair track when moved by engine.....				1				1
Falling off top of car while walking over train.....			4	22			4	22
Falling between cars going over top.....			2	3			2	3
Train parting and colliding.....			1	2		1	1	3
Jumping off train in motion.....	2	27	1	17		1	3	45
Attempt to board train in motion.....	1	12	1	16		1	2	29
Washout.....		6		4		11		21
Bridge gave way or burnt.....			1	1			1	1
Electrocuted.....				2			2	
Run down by engine or car.....	1	6	32	33		2	33	41
Passing too close around end of string of cars.....				2				2
Caught in frog, guard rail or switch rod.....				1				1
Caught while throwing switch.....				1				1
Falling off cars while climbing ladders.....			1	6			1	6
Falling off cars while working hand brake.....			1	6			1	6
Asphyxiated in tunnel.....								
Handling freight.....				20		1		21
Handling O. C. S. material.....				68				68
Building and repairing.....				13				13
Working in coal chute.....			1	7			1	7
Cars moved while loading and unloading.....				7		2		9
Drawbridge open.....								
Repairing cars on running track when moved by engine.....				2				2
Locomotive dropping crown sheet of fire box.....				3				3
	8	239	99	873	230	251	337	1,363

## SESSIONAL PAPER No. 20c

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 4.—STATEMENT showing the character of Accidents sustained by the Persons Killed and Injured on the various Railways under the jurisdiction of the Board for the Year ending March 31, 1915.

Name of Railway.	Derailment.		Collision head-on.		Collision rear-end.		Collision in yard.		Collision with cars standing foul of main line.		Collision with cars account open switch.		Collision at level crossing.		Public highway crossing protected by gates.		Public highway crossing protected by bell.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....		55	2	32		24	2	41	2		3		17		5	8	1	
Canadian Pacific.....	6	10		3	1	2		4					3		2		4	
Canadian Northern.....		1		11	3	4	1				1	2	1	1				
Grand Trunk Pacific.....								4										
Toronto, Hamilton and Buffalo.....	3																	
Canadian Northern Quebec.....								1									1	
Pere Marquette.....								2										
Michigan Central.....	2																	
Quebec, Montreal and Southern.....																		
Dominion Atlantic.....																		
Central Vermont.....																		
Atlantic, Quebec and Western.....	1																	
Halifax and South Western.....																		
Central Ontario.....																		
Chatham, Wallaceburg and Lake Erie.....																		
Esquimalt and Nanaimo.....	1																	
Algoma Eastern.....																		
Quebec and Lake St. John.....																		
Winnipeg Joint Terminals.....																		
Windsor, Essex and Lake Shore.....					16													
Erie and Ontario.....																		
Algoma Central and Hudson Bay.....								2										
Morrissey, Fernie and Michel.....																		
Ottawa and New York.....																		
Brantford and Hamilton Electric.....					3													
Wabash.....																		
Canadian Northern Ontario.....	9																	
St. Lawrence and Adirondack.....																	1	
Niagara, St. Catharines and Toronto.....					2													
Quebec Oriental.....					1													
Vancouver, Victoria and Eastern.....	1																	
Boston and Maine.....																		
	7	82	2	46	7	49	3	54	2		4	2	22		6	10	2	7

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 4.—STATEMENT showing the character of Accidents sustained by the Persons Killed and Injured on the various Railways under the jurisdiction of the Board for the Year ending March 31, 1915.

Name of Railway.	Public highway crossing protected by watchman.		Public highway crossing unprotected		Private crossing.		Trespassing.		Working on or under engine.		Unclassified.		Adjusting couplers, coupling and uncoupling.		Working on track or bridge.		Falling off hand car, motor or velocipede.		Hand car motor, velocipede struck by train.	
	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.	K.	L.
Grand Trunk	2	2	15	31	2	2	71	43	1	13	4	78	2	18	2	19	2			
Canadian Pacific		1	15	18			72	44		2	1	17	1	3	4	6	4	3		
Canadian Northern				6			6	13	1	20	4	9				29	12			
Grand Trunk Pacific							2	5		6		9		3		10	6			
Toronto, Hamilton and Buffalo							3	3				9	1			8	1			
Canadian Northern Quebec							5	2				3		1		2				
Peterborough							1	4		2		12		1		6	1			
Michigan Central				4			3	2		7		5		1						
Quebec, Montreal and Southern																				
Dominion Atlantic														1						
Central Vermont				1				1												
Atlantic, Quebec and Western																				
Halifax and South Western				1										1						
Central Ontario																				
Chatham, Wallaceburg and Lake Erie																				
Esquimaux and Nanaimo							1	2						1				2		
Algonia Eastern												1								
Quebec and Lake St. John																				
Winnipeg Joint Terminals																				
Windsor, Essex and Lake Shore				4																
Eric and Ontario												1		1						
Algonia Central and Hudson Bay							1													
Morrissey, Fernie and Michel										1		2	2	1						
Ottawa and New York																				
Brantford and Hamilton Elec				2																
Wabash										4		1								
Canadian Northern Ontario																1				
St. Lawrence and Adirondack				1			3	4				3		1		2				
Niagara, St. Catharines and Toronto							1	1												
Quebec Oriental																				
Vancouver, Victoria and Eastern												6		1		3				
Boston and Maine				2			1													
	2	5	37	68	3	2	170	126	2	55	12	208	7	38	4	86	26	5		9



SESSIONAL PAPER No. 20c

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 4.—STATEMENT showing the character of Accidents sustained by the Persons Killed and Injured on the various Railways under the jurisdiction of the Board for the Year ending March 31, 1915.

Name of Railway.	Crawling under cars.		Crawling through cars over couplers.		Caught while passing cars between couplers.		Cars standing foul.		Struck by switch stand, water spout, mail crane, etc.		Crushed between cars, building, lumber piles, etc.		Explosion of locomotive boiler.		Falling off passenger train.		Falling off tender while handling coal.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk			1			2		3		2		2				5		5
Canadian Pacific						2			1			1				4		1
Canadian Northern								1				2				2		1
Grand Trunk Pacific																		
Toronto, Hamilton and Buffalo										1								
Canadian Northern Quebec								1										
Pere Marquette																		
Michigan Central																		
Quebec, Montreal and Southern																		
Dominion Atlantic																		
Central Vermont																		
Atlantic, Quebec and Western																		
Halifax and South Western																		
Central Ontario																		
Chatham, Wallaceburg and Lake Erie										1								
Esquimaux and Nanaimo																		
Algoma Eastern																		
Quebec and Lake St. John																		
Winnipeg Joint Terminals																		
Windsor, Essex and Lake Shore																		
Erie and Ontario																		
Algoma Central and Hudson Bay																		
Morrissey, Fernie and Michel																		
Ottawa and New York																		
Brantford and Hamilton Elec.																		
Wabash																		
Canadian Northern Ontario																		
St. Lawrence and Adirondack																		
Niagara, St. Catharines and Toronto																		
Quebec Oriental																		
Vancouver, Victoria and Eastern																		
Boston and Maine																		
		1	1	1	1			7	1	8		9			3	11		6

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 1.—STATEMENT showing the character of Accidents sustained by the Persons Killed and Injured on the various Railways under the jurisdiction of the Board for the Year ending March 31, 1915.

Name of Railway.	Falling off tender while taking water.		Working in shop.		Riding on pilot of engine.		Overhead bridge.		Repairing cars on repair track when moved by engine.		Falling off top of car while walking over train.		Falling between cars going over top.		Train parting and colliding.		Jumping off train in motion.		Attempt to board train in motion.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	3	1	13	2	1	2					1	12		1			15			5
Canadian Pacific.....	1	2	9	48	1	2					3	5		1			17			11
Canadian Northern.....												1		1			1			4
Grand Trunk Pacific.....												2		1			7			4
Toronto, Hamilton and Buffalo.....			8						1			2			1					3
Canadian Northern Quebec.....			3																	1
Pere Marquette.....	2		14		1						1						3			3
Michigan Central.....			7		1												1			1
Quebec, Montreal and Southern.....	1																			
Dominion Atlantic.....																				
Central Vermont.....																				
Atlantic, Quebec and Western.....																				
Halifax and South Western.....																				
Central Ontario.....																				
Chatham, Wallaceburg and Lake Erie.....																				
Esquimalt and Nanaimo.....																				
Algoma Eastern.....																				
Quebec and Lake St. John.....																				
Winnipeg Joint Terminals.....																				
Windsor, Essex and Lake Shore.....																				
Erie and Ontario.....																				
Algoma Central and Hudson Bay.....																				
Morrissey, Fernie and Michel.....																				
Ottawa and New York.....																				
Brantford and Hamilton Elec.....												1								
Wabash.....																				
Canadian Northern Ontario.....																	1			1
St. Lawrence and Adirondack.....																				
Niagara, St. Catharines and Toronto.....																				
Quebec Oriental.....																				
Vancouver, Victoria and Eastern.....			2																	
Boston and Maine.....			1														1			
	7		4	98	2	6			1		4	22	2	3	1	3	45	2		29

SESSIONAL PAPER No. 20c

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.  
 No. 4.—STATEMENT showing the character of Accidents sustained by the Persons Killed and Injured on the various Railways under the jurisdiction of the Board for the Year ending March 31, 1915.

Name of Railway.	Washout.		Bridge gave out or burnt.		Electro-cuted.		Run down in yard by switch or other engines or moving cars.		Passing too close around end of string of cars.		Caught in frog, guard rail or switch rod.		Caught while throwing switch.		Falling off cars while climbing up and coming down side or end ladders.		Falling off cars while working hand brakes.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....							9	15							1	3	1	1
Canadian Pacific.....							16	15							1		1	1
Canadian Northern.....							2	2							1		3	3
Grand Trunk Pacific.....		24					2	2										
Toronto, Hamilton and Buffalo.....																		
Canadian Northern Quebec.....																		1
Pere Marquette.....			1	1			1	1										
Michigan Central.....							1	1										
Quebec, Montreal and Southern.....																		
Dominion Atlantic.....																		
Central Vermont.....																		
Atlantic, Quebec and Western.....																		
Halifax and South Western.....																		
Central Ontario.....																		
Chatham, Wallaceburg and Lake Erie.....																		
Esquimaux and Nainaimo.....																		
Algonia Eastern.....																		
Quebec and Lake St. John.....																		
Winnipeg Joint Terminals.....																		
Windsor, Essex and Lake Shore.....																		1
Erie and Ontario.....																		
Algoma Central and Hudson Bay.....																		
Morrissey, Fernie and Michel.....																		
Ottawa and New York.....																		
Brantford and Hamilton Elec.....																		
Wabash.....																		
Canadian Northern Ontario.....								1										
St. Lawrence and Adirondack.....																		
Niagara, St. Catharines and Toronto.....								1										
Quebec Oriental.....																		
Vancouver, Victoria and Eastern.....																		
Boston and Maine.....																		
	21		1	1	2		33	41	2			1			1	6	1	6





## SESSIONAL PAPER No. 20c

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 5.—COMPARATIVE statement in totals of killed and injured between year ending March 31, 1914, and year ending March 31, 1915, separately for each and every accident.

Character of Accidents.	1914.		1915.		1915.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailed.....	39	257	7	82			32	175
Collision head on.....	7	29	2	46		17	5	
Collision rear end.....	14	23	7	49		26	7	
Collision in yard.....	18	55	3	54			15	1
Collision with cars standing foul of main track.....		8		2				6
Collision with cars account open switch.....	5	17		4			5	13
Collision at level crossing.....	1	39	2	22	1			13
Highway crossing protected by gates.....	10	13	6	10			4	7
Highway crossing protected by bell.....	1	6	2	7	1	1		
Highway crossing protected by watchman.....	6	12	2	5			4	7
Highway crossing unprotected.....	44	84	37	68			7	16
Private crossing.....	2	3	3	2	1			1
Trespassing.....	238	164	170	126			68	38
Working on or under engine.....	6	92	2	55			4	37
Unclassified.....	29	293	12	208			17	85
Adjusting couplers, coupling and uncoupling.....	11	60	7	38			4	22
Working on track or bridge.....	18	117	3	86			15	31
Falling off hand car, motor or velocipede.....	2	30	4	26	2			4
Hand car, motor, velocipede struck by train.....	10	13	5	9			5	4
Crawling under cars.....		3		1				2
Crawling between cars over coupler.....			1	1	1	1		
Caught while passing through cars between couplers.....	6	4	1	4			2	9
Cars standing foul.....	2	16		7				
Struck by switch stand, water spout, etc.....	4	21	1	8			3	13
Crushed between cars, buildings, platform, etc.....	4	7		9		2	4	
Explosion of locomotive boiler.....								
Falling off passenger trains.....	6	17	3	11			3	6
Falling off tender while handling coal.....	1	7		6			1	1
Falling off tender while taking water.....		6		7		1		
Working in shop.....		105	4	98	4			7
Riding on pilot of engine.....	3	14	2	6			1	8
Overhead bridge.....	2	3		1			2	2
Repairing cars on repair track when moved by engine.....	1	4		1			1	3
Falling off top of car while walking over train.....	4	41	4	22				19
Falling between cars going over top.....	2	5	2	3				2
Train parting and colliding.....	7	8	1	3			6	5
Jumping off train in motion.....	7	55	3	45			5	26
Attempt to board train in motion.....	8	47	2	29			6	18
Washout.....				21		21		
Bridge gave way or burnt.....			1	1	1	1		
Electrocuted.....	2		2					
Run down by engine or car.....	56	64	33	41			23	23
Passing too close around end of cars.....	1	1		2		1	1	
Caught in frog, guard rail or switch rod.....	1	4		1			1	3
Caught while throwing switch.....		1		1				
Falling off cars while climbing ladders.....		13	1	6	1			7
Falling off cars while working hand brake.....	2	12	1	6			1	6
Asphyxiated.....	1						1	
Handling freight.....	1	45		21			1	24
Handling O.C.S. material.....	3	50		68		18	3	
Building and repairing.....		10		13		3		
Working in coal chute.....	1	7	1	7				
Cars moved while loading or unloading.....	1	6		9		3	1	
Drawbridge open.....	1						1	
Repairing cars on running track when moved by engine.....	4	4		2			4	2
Locomotive dropped crown sheet of fire box.....	2	4		3			2	1
	594	1,899	337	1,363	12	95	269	631
	337	1,363					12	95
Decrease.....	257	536					257	536

6 GEORGE V, A. 1916

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 6.—COMPARATIVE statement in totals of killed and injured between year ending March 31, 1914 and year ending March 31, 1915, for each railway separately.

Name of Railway.	1914.		1915.		1915.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	171	448	129	514		66	42	284
Canadian Pacific.....	315	482	135	198			180	31
Canadian Northern.....	24	306	26	275	2			73
Grand Trunk Pacific.....	17	157	5	84			12	3
Toronto, Hamilton and Buffalo.....	7	135	4	59			3	29
Canadian Northern Quebec.....	10	55	7	26			3	
Pere Marquette.....	4	54	2	55		1	2	
Algoma Central and Hudson Bay.....	1		1	3		3		
London & Lake Erie.....	1						1	21
Winnipeg Joint Terminals.....		23		2				
Atlantic, Quebec and Western.....	1			1		1	1	
Wabash.....	1	12	4	9	3			3
Quebec, Montreal and Southern.....	2	11		2			2	9
Windsor, Essex and Lake Shore.....	1	1	1	20		19		
New Brunswick and P. E. I.....								1
British Columbia.....	1						1	17
Michigan Central.....	11	53	5	36			6	2
Moncton and Buctouche.....	4	2					4	1
Central Ontario.....	2	1	2					14
Central Vermont.....	8	16		2			8	1
Dominion Atlantic.....		3	1	2	1			
Temiscouata.....	1						1	1
St. Lawrence and Adirondack.....		14	2	13	2			12
Morrissey, Fernie and Michel.....	1	13		1			1	3
Vancouver, Victoria and Eastern.....	2	19		18			2	1
Boston and Maine.....		4	3	3	3			4
Maine Central.....		4						3
Ottawa and New York.....		9	2	6	2			
Niagara, St. Catharines and Toronto.....	2	1		3		2	2	47
Canadian Northern Ontario.....	2	66	5	19	3			
Montreal and Southern Counties.....	1						1	7
Bay of Quinte.....	1	7					1	
Esquimalt and Nanaimo.....	3	2	2				1	
Algonia Eastern.....				1		1		
Halifax and South Western.....				2		2		
Chatham, Wallaceburg and Lake Erie.....				1		1		
Quebec and Lake St. John.....				1		1		
Erie and Ontario.....				1		1		
Brantford and Hamilton.....			1	2	1	2		
Quebec Oriental.....				1		1		
	594	1,899	337	1,363	17	102	274	638
	337	1,363					17	102
Decrease.....	257	536					257	536



SESSIONAL PAPER No. 20c

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 7.—STATEMENT showing collisions attended by personal injury investigated during year ending March 31, 1915.

File.	Date.	Railway.	Place.	Killed.	Injured.
Inv.	1914.				
3369	Feb. 17	G.T.R.	Granton, 4 miles east.		1
3378	Mar. 7	G.T.R.	St. Catharines, Ont.		3
3383	Mar. 7	Q.O.R.	Matapedia, Warren's Crossing.		1
3390	Jan. 21	G.T.R.	North Bay, Ont.	1	
3392	Mar. 12	G.T.R.	Fort Erie, Ont.		1
3394	Mar. 3	G.T.R.	Fort Erie Yard.		2
3490	June 9	W. E. & L. S.	Essex, Naylor's Curve.		1
3493	July 13	C.N.R.	Edmonton Yard, west end.	1	
3516	July 21	G.T.P.	Rivers Yard.		2
3522	June 5	C.N.R.	Cote Siding, 7 poles east.	3	4
3529	July 25	C.N.R.	Humbolt, Sask.		1
3578	Aug. 28	C.P.R.	Westmount Yard, Quebec.		1
3584	Sept. 2	G.T.R.	Komoka.		25
3591	Aug. 15	G.T.P.	Transcona.		1
3592	July 17	G.T.P.	Redditt.		1
3628	Oct. 15	P.M.R.	St. Thomas, Wilson Avenue Crossing.		1
3632	Oct. 22	C.P.R.	Fredericton.		2
3640	Sept. 17	C.P.R.	Rosspott, Ont.		3
3647	Nov. 5	G.T.R.	St. Henri, Que.		8
3690	Nov. 10	C.P.R.	Guelph Junction.		1
3697	Nov. 11	G.T.R.	Tiffin Yard, Ont.	1	
3707	Dec. 5	G.T.R.	Toronto.		1
3724	Dec. 10	Wabash.	Darling Road, 4 miles east.		3
3735	Nov. 24	G.T.R.	Merriton.	8	8
3737	Dec. 19	G.T.R.	Badger's Cut, Ont.		1
3738	Dec. 1	G.T.R.	Campbellford, 4 miles east.		3
3747	Dec. 10	G.T.R.	Sarnia Tunnel.		1
3754	Dec. 12	A.C. & H.B.	Frank.		2
3756	Dec. 12	G.T.R.	Windsor.		3
3759	Dec. 14	G.T.R.	Near Welland.	9	4
3723	Dec. 30	G.T.R.	Merriton, Ont.		2
3504	July 10	G.T.R.	Callender, Ont.		3
3513	Aug. 3	N. St. C. & T.	Thorold, Ball's Crossing.		2
3536	July 23	G.T.R. & St. Ry.	London West Rectory Street.		7
3550	June 21	G.T.R.	Kinburn, 1½ miles west.	2	2
3742	Nov. 23	G.T.R.	Preston, Ont., ½ mile south.		2
3469	May 29	G.T.R.	Palmerston, Ont.		2
3761	Dec. 31	M.C.R.	St. Thomas Yard.		2
3765	Dec. 26	G.T.R.	Blackwater Junction.		3
3769	Jan. 13	C.N.R.	Edmonton Yard.		1
3786	Dec. 7	P.M.R.	Montrose.		1
3788	Feb. 10	C.N.R.	St. James east distant semaphore.		10
3797	Feb. 2	G.T.R.	Montreal Bonaventure Seigneur Street.	1	30
3807	Feb. 23	G.T.R.	Killaloe, Ont.		2
3811	Jan. 19	G.T.R.	Coteau Junction Yard.		2
3815	Mar. 2	G.T.R. & St. Ry.	Montreal, Cote St. Paul Road.		4
3827	Dec. 22	C.P.R.	Glen River.		1
3829	Feb. 2	C.P.R.	Mileage 57·7, Trenton, S.D.	1	1
3403	April 22	C.P.R. & St. Ry.	Fairville (West St. John).		3

Total number of investigations..... 49  
 Total killed..... 19  
 Total injured..... 165

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 8.—STATEMENT showing derailments attended by personal injury investigated during year ending March 31, 1915.

File.	Date.	Railway.	Place.	Killed.	Injured.
Inv.	1914.				
3368	Feb. 18	T.H. & B.	Hamilton Tunnel Junction.....		1
3385	Jan. 5	C.P.R.	Mileage 51, Ignace S.D.....		1
3407	Mar. 25	G.T.R.	South River, near.....		1
3417	April 17	G.T.R.	Brantford, Ont.....		1
3431	April 19	G.T.R.	Montreal, Point St. Charles.....		1
3443	Feb. 20	M. & B. Ry.	Scotch Settlement Station.....	4	
3450	May 9	G.T.R.	Richmond, Que.....		31
3452	May 14	M.C.R.	Buxton.....		2
3477	June 12	G.T.R.	Wingham, Ont.....		2
3487	June 14	G.T.R.	Bromptonville, Que.....		3
3557	Aug. 14	C.N.O.	Erinsville.....		4
3565	Sept. 3	C.N.R.	Browns Hill, near Enterprise.....		5
3567	July 5	G.T.R.	Maple Lake, Ont.....		1
3588	Sept. 16	G.T.R.	St. Catharines, Ont.....		1
3627	Sept. 15	C.P.R.	Mileage 22-5, Toronto, S.D.....		2
3630	Sept. 8	C.P.R.	Balliver, 1 mile west.....	1	
3638	Oct. 6	C.P.R.	Mileage 86, 2 poles east Laggan, S.D.....	1	
3667	Oct. 17	G.T.R.	Mimico, Manufacturers' Siding.....		1
3674	Nov. 3	G.T.R.	Belleville, Ont.....		1
3677	Oct. 7	G.T.P.	Rea, Man.....		1
3680	Nov. 13	C.N.R.	Mileage 216, 8 poles south of.....		3
3696	Nov. 2	C.P.R.	Mileage 39, Cascade, S.D.....	3	
3441	April 2	C.N.Q.	Edmonton, east end of yard.....		1
3409	Mar. 19	G.T.R.	Dorval, Que.....		1
3497	July 16	C.P.R.	Mile 67.....		1
3510	July 29	T.N. & B.	Aberdeen Yard.....		2
3792	Feb. 3	G.T.R.	Listowel.....		2
3793	Feb. 1	G.T.R.	Listowel.....		2
3795	Nov. 20	E. & N.	Mile Post 22, south of.....	1	
3798	Feb. 16	C.P.R.	Mile 13, Govenlock, S.D.....	1	
3799	Nov. 20	V.V. & E.	White Rock, 3 miles north.....		1
3804	Feb. 2	G.T.R.	Welland, Ont.....		1
3805	Feb. 2	G.T.R.	Seaforth, Ont.....		4
3806	Feb. 2	T.H. & B.	Coyle Yard, Hamilton, Ont.....		1

Total number of investigations.....	34
Total killed.....	11
Total injured.....	81

SESSIONAL PAPER No. 20c

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 9.—STATEMENT showing highway crossing accidents attended by personal injury investigated during year ending March 31, 1915.

File.	Date.	Railway.	Place.	Killed.	Injured.
Inv.	1914.				
3366	Mar. 5	M.C.R.	Iona, Main Road crossing.		1
3376	Mar. 11	G.T.R.	Montreal, St. Henri Place.		1
3384	Mar. 18	G.T.R.	Tecumseh, Pike creek.	1	
3386	Mar. 17	G.T.R.	Port Hope, John Street crossing.		1
3389	Mar. 21	G.T.R.	Near Stoney Creek, Harris public.		1
3396	Mar. 27	G.T.R.	Hamburg, Waterloo Street crossing.		1
3398	Mar. 9	G.T.R.	Toronto, Bloor Street crossing.	1	
3402	Mar. 27	C.P.R.	Mileage 45, Glen Norman.	1	
3416	April 15	G.T.R.	Berlin, Wilmot Street crossing.		1
3429	May 2	G.T.R.	London, William Street crossing.	1	
3432	April 22	M.C.R.	Bridgeburg, Thompson Road crossing.		1
3433	April 15	G.T.R.	Toronto, Jones Avenue crossing.		1
3434	Mar. 12	G.T.R.	Waterville, Town Hall crossing.		1
3438	April 23	G.T.R.	Simcoe, Norfolk Street.		1
3436	May 19	M.C.R.	Harwick, crossing west of Mull.		1
3447	May 21	G.T.R.	Brampton, James Street crossing second east.		1
3455	May 20	G.T.R.	Lindsay, South Junction.	1	
3456	May 30	G.T.R.	Montreal, Guy Street crossing.		1
3457	May 28	C.P.R.	Quebec, Dorchester Street crossing.		1
3459	May 1	C.P.R.	West Toronto, Royce Avenue crossing.		1
3460	June 1	G.T.R.	Toronto, Cherry Street crossing.		1
3461	May 30	G.T.R.	Lachine, Brewster avenue.	1	
3462	May 16	G.T.R.	Seaforth, crossing east of.		1
3463	May 9	G.T.R.	St. Pauls Station, crossing west of.		1
3470	June 6	G.T.R.	Lancaster, public crossing.	1	
3482	June 11	G.T.R.	Hamilton, Wentworth street.		1
3483	July 14	C.N.R.	Tp. of Gillimbury, south Mount Albert station.	2	
3485	June 9	G.T.R.	Montreal, Fulford Street crossing.		1
3486	July 3	G.T.R.	Shallow Lake, crossing $\frac{1}{2}$ mile north.		2
3488	June 27	C.P.R.	Mileage 76, Edmonton, S.D.	2	
3489	July 2	G.T.R.	Hamilton, Ottawa Street crossing.	1	
3491	July 1	G.T.R.	Peterboro, public crossing 1 mile east.	1	1
3496	July 6	C.P.R.	Toronto, MacLennan avenue.	1	
3499	June 25	C.P.R.	Fassett, crossing 1 mile west.	2	
3500	July 13	C.P.R.	Quebec, Belle Road crossing.	1	
3501	July 16	C.P.R.	Calgary, 8th Street East.	1	
3502	July 14	G.T.R.	Lansdowne, first crossing west.		1
3505	June 13	C.N.R.	Fort William, Miles street.		4
3511	Aug. 3	B. & M.	Ayers Cliff, first crossing south.	2	
3512	June 22	C.N.R.	West Fort William, Gore street.	1	
3524	July 31	C.P.R.	Scarboro, T.P.		1
3525	July 2	C.N.R.	Melfort crossing.		1
3526	Aug. 17	C.P.R.	Toronto West, Road crossing Weston.		1
3531	Aug. 17	C.P.R.	Winnipeg, Robinson avenue.		1
3564	Aug. 19	M.C.R.	St. Thomas, Queen Street crossing.		1
3575	Sept. 1	C.P.R.	St. Johns, Jacques Cartier.		1
3580	Aug. 24	G.T.R.	Sarnia, Divine Street.		2
3585	Aug. 27	C.N.R.	Near M. P. 236, Port Arthur, S.D.		1
3595	Sept. 11	C.P.R.	Birchton, crossing between lots 15 and 16	1	
3597	Sept. 29	G.T.R.	Strathmore, crossing just west station.	1	
3604	Sept. 11	C.P.R.	Dixie Station. Mileage 12-61.	1	
3607	Oct. 1	G.T.R.	Montreal, crossing east Bridge street.		1
3610	Oct. 3	G.T.R.	Ste. Hyacinthe, Bertrands crossing.		1
3613	Oct. 1	G.T.R.	Lachine, Que., 18th Avenue.	1	
3614	Oct. 2	W.E. & L.S.	Windsor, Gravel Road crossing.		1



## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

No. 9.—STATEMENT showing highway crossing accidents attended by personal injury investigated during the year ending March 31, 1915.

File.	Date.	Railway.	Place.	Killed.	Injured.
Inv.					
3617	July 2	C.P.R.	Mortlack, Government Road crossing...	1	
3618	Oct. 2	C.N.R.	Winnipeg, Portage avenue...	2	1
3621	Oct. 6	B. & H.E. Ry	Ancaster, crossing between lots 47 and 48	1	2
3622	Oct. 9	G.T.R.	Hamilton, crossing Barton street...		1
3624	Sept. 20	W.E. & L.S.	Ruthven crossing lots 10 and 9		3
3625	Sept. 17	G.T.R.	Amigari, crossing at station...		1
3635	Sept. 21	G.T.R.	King, Crawfords crossing...	1	
3639	Oct. 27	G.T.R.	Morrisburg, first public west		1
3641	Sept. 23	C.N.R.	Delisle, Main street...		1
3648	Oct. 22	G.T.R.	Niagara Falls, March crossing...		2
3649	Oct. 22	G.T.R.	Brantford, Toll Gate crossing...		2
3650	Oct. 13	G.T.R.	Moborough, first public crossing west...		1
3654	Nov. 9	G.T.R.	Toronto, Strachan avenue...		1
3657	Oct. 23	C.P.R.	Toronto, Church street...		1
3658	Nov. 6	C.P.R.	Knowlton, Victoria St. level crossing, mil. 6-86		1
3664	Oct. 11	G.T.R.	Hamilton, Wellington street...		1
3665	Oct. 30	G.T.R.	Hamilton, Ferguson avenue...		1
3679	Oct. 21	C.P.R.	Chatham, Lavoire street...		1
3682	Nov. 13	G.T.R.	Dominion, Second Avenue crossing...	1	
3683	Nov. 20	M.C.R.	Tillsonburg, first road crossing...	1	
3684	Nov. 9	C.P.R.	Winchester, first crossing...		1
3685	Oct. 31	M.C.R.	London, Colborne street...		1
3686	Oct. 7	G.T.R.	Grimsby, crossing east station...		1
3687	Dec. 1	C.P.R.	Ottawa, Ridgemont, crossing Bank St., mil. 1-20	1	
3689	Nov. 25	C.P.R.	Quebec, St. Martin...		1
3691	Nov. 17	C.P.R.	Lambton, Dundas road...		1
3692	Nov. 25	G.T.R.	Rideau, public crossing east $\frac{1}{2}$ mile...	1	
3704	Dec. 9	G.T.R.	Near Vankleek Hill, Ont., Brick Yard...	3	
3716	Nov. 25	G.T.R.	Montreal, Atwater Avenue...	1	
3718	Nov. 27	G.T.R.	Toronto, Royce Avenue...	1	
3722	Nov. 10	C.N.R.	Markham, bet. Thornlea and Richmond		1
3725	Nov. 23	G.T.R.	Sundridge Street crossing at north end...	1	
3728	Nov. 19	C.P.R.	Cooksville Station, Dundas Road...		1
3730	Nov. 20	G.T.R.	Meaford, Bridge St. crossing, Ont...	1	
3733	Dec. 18	C.N.R.	Edmonton, Ottawa avenue...		1
3736	Dec. 14	G.T.R.	London, Edgerton Street crossing...	2	
3739	Nov. 19	C.P.R.	St. Marys, first crossing west, mil. 2337	1	
3740	Dec. 6	C.P.R.	Missouri, third crossing west, mil. 106-6	1	
3743	Dec. 12	G.T.R.	Montreal, Vinet Street crossing...	1	
3743	Dec. 7	G.T.R.	St. Thomas, $2\frac{1}{2}$ miles west...		2
3751	Dec. 7	G.T.R.	St. Henri, St. Philippe Street crossing...		1
3753	Dec. 6	G.T.R.	Hamilton, Rebecca Street crossing...		1
3758	Dec. 16	G.T.R.	Hamilton, Rebecca Street crossing...		1
3426	Mar. 20	C.N.R.	Mileage 35, first crossing east of station, Dunmor, Sask...		2
3430	April 25	C.P.R.	Chatham, Queens Street crossing...		1
3473	June 21	N.Y.C. & H. R.	St. Timothee, crossing 300 feet south...		1
3551	Aug. 7	G.T.R.	Newstadt, Hoggman's crossing...		1
3411	April 8	G.T.R.	Wyoming, Main Street crossing...	1	
3762	Dec. 25	G.T.R.	Simcoe Union Street crossing...	1	
3766	Dec. 21	C.P.R.	Lake Shore Junction...		1
3770	Dec. 28	G.T.R.	Galt, Kerr Street crossing...		1
3772	Dec. 28	C.P.R.	Berthier, Public Road crossing Grand Cote...		1
3774	Dec. 4	C.P.R.	Mil. 44-20 Mail Road crossing...		1
3776	Dec. 16	C.N.R.	Elgin, 1 mile west about mil. 62-5...		1
3780	Jan. 23	G.T.R.	Brampton, first crossing west...	1	
3791	Feb. 10	M.C.R.	Stevensville, street west of...		2
3821	Feb. 22	G.T.R.	Hamilton, Sherman avenue...		1
3823	Mar. 13	G.T.R.	London, Clarence street...		1
3825	Mar. 11	C.P.R.	Drummondville Junction, Main road...		1
3832	Feb. 10	H. & S.W.	Bridgewater, Baker's crossing...		1
3812	Mar. 7	C.P.R.	Leonard Station, crossing west...		1

Total number of investigations..... 115  
 Total killed..... 48  
 Total injured..... 93

## SESSIONAL PAPER No. 20c

No. 10.—STATEMENT showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1915.

File.	Date.	Railway.	Place.	Remarks.	Killed.	Injured.
Inv.	1914.					
3367	Mar. 12.	C.P.R.	Central Ontario Junction.	Taking signals from brakeman.		1
3370	Jan. 31.	G.T.P.	M.P. 153-6 Regina Bdry.	Fell from engine.		1
3371	Mar. 6.	G.T.R.	Miniro, Ont.	Crushed between cars.		1
3372	Feb. 19.	G.T.R.	Toronto West.	Slipped, getting cars off scales siding.		1
3373	Mar. 10.	C.P.R.	McAdam Junction yard.	Giving signals struck by engine.		1
3374	Mar. 21.	C.P.R.	Laurentian S.D. mil. 25.	Jumped off train.		1
3375	Mar. 24.	C.N.R.	Montreal, Lakefield plant.	Attempted to uncouple cars.		1
3377	Mar. 20.	C.N.Q.	Grand Mere yard.	Adjusting couplers.		1
3379	Mar. 7.	C.P.R.	McAdam Junction.	Adjusting couplers.		1
3380	Feb. 5.	C.P.R.	McAdam Junction, N.B.	Ran in front of engine, slipped and fell.		1
3381	Mar. 7.	C.P.R.	Iberville.	Struck by engine.		1
3382	Mar. 23.	C.P.R.	Mattawa.	Jumped off train in motion.		1
3387	Feb. 20.	G.T.R.	Toronto, Don.	Was rolled between engine and tender.		1
3388	Feb. 10.	E. & N.R.	Chase River Bridge, mil. 70 C.	Passing between cars in motion.		1
3391	Mar. 10.	G.T.R.	Dorchester, Ont.	Fell between engine and tender.		1
3393	Mar. 2.	G.T.R.	Paris Junction.	Struck by train.		1
3395	Feb. 19.	C.P.R.	Fort William, Ont.	Attempted to cut air hose, was thrown onto train.		1
3397	Mar. 23.	G.T.R.	York, Ont.	Crossing tracks, struck by cars.		1
3399	Feb. 24.	M.C.R.	La Salette.	Struck by train.		1
3400	Mar. 12.	C.N.R.	Le Pas, Man.	Uncoupling air hose.		1
3401	Feb. 4.	G.T.P.	Mississ, Ont.	Making drop of caboose.		1
3404	Mar. 18.	G.T.R.	Fort Erie, Ont.	Switching.		1
3405	April 2.	T.H. & B.	Hamilton, Aberdeen yard.	Fell off side of car.		1
3406	Mar. 24.	G.T.R.	Hamilton, Ont.	Switching.		1
3408	Mar. 9.	G.T.R.	Hawkesbury, Ont.	Fingers caught in vestibule door.		1
3410	April 4.	C.P.R.	Smith's Falls, Ont.	Jumped off engine.		1
3412	April 11.	G.T.R.	Malton, Ont.	Jumped off train.		1
3413	April 1.	C.P.R.	Chapleau yard.	Cars passed over legs.		1
3414	April 22.	C.P.R.	West Toronto.	Throwing switch.		1
3415	April 3.	M.C.R.	Victoria yard.	Supposed to have gone between cars.		1
3418	April 25.	P.E.R.	Springfield.	Thrown over cupola.		1
3419	Mar. 13.	C.N.R.	Saskatoon yard.	Getting off top of car.		1
3420	Mar. 17.	C.N.R.	Mil. 484, Battleford, st.	Getting out of cab window.		1
3421	May 7.	C.P.R.	Toronto, crossing at Bay st.	Attempted to get on car.		1
3422	April 21.	C.P.R.	Midway yard.	Walking across inbound track.		1
3423	April 17.	G.T.R.	Niagara Falls, Ont.	Adjusting couplers.		1
3424	Mar. 26.	G.T.P.	Melville, Sask.	Riding on rear tender step of engine.		1
3425	April 7.	C.N.R.	Regina, Sask.	Uncoupling steam hose.		1
3427	Mar. 16.	G.T.P.	Wattous yard, Sask.	Unloading cinders.		1
3428	Mar. 31.	C.P.R.	Aroostook Junction.	Struck by switch stand.		1

No. 10. STATEMENT showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1915—*Con.*

File.	Date.	Railway.	Place.	Remarks.	Killed.	Injured.
Inv.	1914.					
3437	April 28	C. N. R.	Sudbury Junction	Adjusting couplers	1	1
3438	Mar. 16	C. P. R.	Westminster yard	Attempted to get off train in motion	1	1
3439	April 5	C. P. R.	North Bond yard, B. C.	Attempted to pass between cars		
3440	May 4	G. T. P.	Millage 290	Sand fill forming diversion river gave way		21
3442	April 8	G. T. P.	Calgary, Alta	Coupling		1
3444	May 11	C. P. R.	Winnipeg, Man	Struck by car		1
3445	April 25	G. T. R.	Niagara Falls, Ont.	Fell off train		1
3446	May 21	G. T. R.	Beaconsfield, Que	Fell from cupola to floor of caboose		2
3448	May 27	C. P. R.	Westmont station	Struck by engine		1
3449	May 23	C. P. R.	Clinton South yard	Taking water, fell off tender		1
3451	May 3	G. T. R.	Clifton Junction	Fell off car		1
3453	May 7	G. T. R.	Waterdown, Ont.	Fell between cars	1	
3454	May 23	F. M. R.	Blenheim Junction	Setting brakes to car		1
3458	April 27	G. T. R.	Stouffville, Ont.	Struck by train	1	1
3463	May 10	C. P. R.	Ironore 1 mile west	Struck by train	1	1
3465	May 26	O. & N. N.	Cornwall, Ont.	Caught between couplers		1
3466	April 29	G. T. P.	Ganford, Alta.	Engine struck rear end of train	1	
3467	June 2	C. P. R.	Winnipeg Exhibition sdg.	Run over		1
3468	May 27	C. N. Q.	Holden siding	Crushed between cars		1
3472	June 19	G. T. R.	Woodstock, Ont.	Thrown from cupola of caboose to floor		1
3474	June 13	G. T. R.	Cornwall, Ont.	Jumped off train		1
3475	June 1	G. T. R.	Montreal, Turcot	Jumped off train		1
3476	June 13	C. P. R.	Ste. Agathe	Fell off car	1	
3478	June 9	G. T. R.	Komoka, Ont.	Fell off engine		1
3479	June 11	G. T. R.	Hamilton, Ont.	Jumped from engine		1
3480	April 16	C. N. R.	M. P. 320, Humboldt, S. D.	Fell between engine and car		1
3481	May 14	G. T. R.	Orellia yard, Ont.	Struck by engine	1	
3484	June 12	G. T. R.	Montreal, Pt. St. Charles	Thrown over end of car		1
3492	June 22	C. P. R.	Netiskow, Alta.	Struck by engine	1	
3494	June 22	G. T. R.	Toronto, Ont.	Caught between couplers		1
3495	July 18	C. P. R.	Havelock yard	Struck by water stand pipe		1
3498	July 2	C. N. O.	Parry Sound yard	Fell off train		1
3503	June 28	C. P. R.	Ste. Agathe, Que	Fell from car		1
3506	July 16	G. T. R.	Georgetown	Caught between couplers	1	
3507	July 17	G. T. R.	Longwood, Ont.	Fell off car		1
3508	July 18	G. T. R.	Hamilton, Ont.	Thrown from car		1
3509	July 22	G. T. R.	Hamilton, Ont.	Working on train	1	
3514	Aug. 7	C. P. R.	Schreiber, engine shops	Front of engine struck plank		1
3515	April 27	C. N. Q.	Prince Albert, east of	Water glass breaking		1
3517	July 22	C. N. R.	Prince Albert, 4 miles S.			



## SESSIONAL PAPER No. 20c

3518	July	15	C.N.R.	Prince Albert shops track.	Hose in cab of engine burst.	1
3519	June	2	C.N.R.	Morgan east end side track.	Raising up draw bar.	1
3520	July	20	G.T.R.	Carboro.	Struck by buffer of engine.	1
3521	July	29	P.M.R.	McGregor.	Cutting off cars.	1
3523	Aug.	10	G.T.R.	Longwood, Ont.	Stepped on front of train.	1
3527	July	19	C.P.R.	Winnipeg, Transcona yard	Found on track.	1
3528	July	28	G.T.R.	Westford yard.	Explosion in fire box.	1
3530	Aug.	9	C.N.Q.	Mileage 151.	Engine tender and baggage car went through bridge.	1
3532	July	25	N.Y. & H.	Cornwall.	Fell in front of car.	1
3533	July	8	G.T.P.	Mile 407½ E. from P.R.	Thrown from engine.	1
3534	July	29	G.T.R.	London, Maitland St. crossing.	Wagon struck by engine.	1
3535	Aug.	11	C.P.R.	Lovett, Alta.	Cars got away after engines were cut off.	4
3537	July	10	G.T.P.	Edson, Alta.	Uncoupling cars.	1
3538	July	24	G.T.R.	Sarnia Tunnel, Ont.	Attempted to get on engine footboard.	1
3539	July	29	G.T.R.	Montreal, Turcot West.	Fell off car.	1
3540	Aug.	14	B. & M.	Eustis, Que.	Struck by car.	1
3541	Aug.	24	C.N.Q.	Longue Pointe roundhouse.	Stepped in front of engine.	1
3542	Aug.	19	C.P.R.	St. Martin Junction.	Jumped off train.	1
3544	July	22	C.N.R.	Edmonton, West Lead.	Riding on rear end of caboos.	1
3543	Aug.	18	C.N.R.	Bet. mi. 36 & 37 west of Toller-ton.	Fell between cars.	1
3545	Aug.	6	C.N.R.	Edmonton Yard West Lead.	Getting on rear footboard of engine.	1
3546	Aug.	21	G.T.R.	Madawaska, Ont.	Pulling pin between operating lever.	1
3547	Aug.	18	G.T.R.	Montreal, Turcot.	Struck by engine.	1
3548	Sept.	1	W.J.T.	Winnipeg, J. T. yard.	Attempted to climb onto cab.	1
3549	Aug.	3	C.P.R.	Finch, ½ mile east.	Fell over bridge.	1
3552	Aug.	28	G.T.R.	Toronto, Don Station.	Fell off train.	1
3553	Aug.	22	T.H. & B.	Hamilton.	Hughson Mt., going between cars, engine uncoupled.	1
3554	Aug.	7	C.P.R.	Strathmore, Alta.	Stealing ride.	1
3555	Aug.	2	C.P.R.	Lukie, Alta.	Fell off car.	1
3556	Aug.	18	C.P.R.	Port Arthur.	Found lying on track.	1
3558	July	25	D.A.R.	Newport.	Fell between cars.	1
3559	July	15	C.P.R.	Port Arthur, Ont.	Uncoupling air hose.	1
3560	May	4	C.N.R.	Port Frances.	Run over by car.	1
3561	June	25	C.N.R.	Rainy River yard.	Uncoupling air hose.	1
3562	Aug.	20	G.T.R.	Hagersville, Ont.	Caught between cars.	1
3563	July	21	Wabash.	Port Robinson.	Fell off top of car.	1
3566	Aug.	18	G.T.R.	Jarvis, Ont.	Struck by engine.	1
3568	Aug.	14	C.P.R.	Transcona yard, Man.	Struck by car.	1
3569	Aug.	28	Wabash.	St. Thomas, Ont.	Attempted to apply injector.	1
3570	Aug.	20	G.T.R.	London, Ont.	Footboard of engine caught in plank.	1
3571	Aug.	31	G.T.R.	Chatham, Ont.	Caught between engine and car.	1
3572	Sept.	5	G.T.R.	Hamilton, Ont.	Coupling.	1
3573	Sept.	6	C.N.R.	Bedford, ½ mile east.	Locomotive dropping crown sheet.	1
3574	July	15	C.N.R.	Dauphin, ash pit track.	Working injector and squirt hose blew off.	1
3576	Sept.	8	C.P.R.	Quebec.	Attempted to get on engine.	1
3577	Aug.	24	C.P.R.	Hebert.	Attempted to get off train.	1
3579	Aug.	20	C.P.R.	Markey, crossing east.	Fell off train.	1
3581	Sept.	10	C.P.R.	Bisco, Ont.	Struck by engine.	1
3582	Sept.	7	A.C.R.	Stutton yard.	Jumped off engine.	1

No. 10 STATEMENT showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1915—*Con.*

File.	Date.	Railway.	Place.	Remarks.	Killed.	Injured.
Inv.	1914.					
3583	Aug. 24	G.T.R.	Toronto, Ont.	Adjusting couplers.		1
3584	Sept. 2	G.T.R.	Tiffin yard, Ont.	Buffer beam on tender of engine broke.		1
3587	Sept. 11	G.T.R.	Drumbo, Ont.	Uncoupling car from engine.		1
3589	Sept. 11	G.T.R.	London East, Ont.	Arch tube in engine burst.		1
3590	Sept. 18	I.H. & B.	Smithville, ½ mile east of	Air hose burst.		1
3593	Aug. 24	C.N.R.	Radisson, ½ mile east	Fell from train.		1
3594	Aug. 27	G.T.R.	St. Bruno, Que.	Caught between baggage and second class.		1
3596	Sept. 5	C.P.R.	Fletcher.	Getting off train in motion.		1
3598	Aug. 1	N.Y. & H.R.	St. Timothee.	Struck by engine.		1
3599	Aug. 16	G.T.P.	Endako, B.C.	Fell off pilot of engine.		1
3600	Aug. 1	G.T.P.	Fort Fraser, B.C.	Uncoupling engine.		1
3601	Sept. 24	G.T.R.	Toronto, Ont.	Turning switch.		1
3602	Aug. 18	C.P.R.	Goderich yard.	Switching.		1
3603	Sept. 16	G.T.R.	Findley, Ont.	Jumped off train.		1
3605	Sept. 23	C.N.R.	Meenock, Alta.	Running along line to catch train, jumped in front of engine.		1
3606	Sept. 18	C.N.R.	Edmonton shops	Fell into pit, struck head on rail.		1
3608	Oct. 2	G.T.R.	Maxville, Ont.	Standing on gang plank.		1
3609	Sept. 25	C.N.R.	Edberg.	Scalded with squirt hose.		1
3611	Sept. 26	C.N.R.	Big Valley	Cylinder head blew out.		1
3612	Aug. 21	C.N.R.	Bet. mile post 369 and 369, Calgary, S.D.	Dumping ashpan.		1
3615	Sept. 23	G.T.R.	London East	Fell into asphalt.		1
3616	Sept. 18	C.P.R.	Oak Lake	Fell between cars.	1	
3619	July 26	G.T.R.	Findley, 3 miles west.	Body found on track.	1	
3620	Sept. 21	C.P.R.	Molson.	Struck by cars and run over.	1	
3623	Aug. 5	C.N.R.	Gypsumville	Running behind engine to throw switch.	1	
3626	Oct. 10	G.T.R.	Point Claire, Que.	Jumped off train.	1	
3629	Oct. 9	C.P.R.	Caledon Station.	Struck by train.	1	
3631	Sept. 19	C.P.R.	Mill 51 Kootenay (Central S.D.)	Run over.	1	
3633	July 18	N.Y.C. & H.B.	Beauharnois, P.Q.	Jumped from moving train.		1
3634	Aug. 5	N.Y.C. & H.R.	Huntington.	Stepping from car to wagon.		1
3635	Oct. 1	C.P.R.	Hartney yard, west end of	Attempted to board moving train.		1
3637	Oct. 14	C.P.R.	Moose Jaw yards.	Run over.		
3642	Sept. 25	G.T.R.	Davisville, Ont.	Switching.		
3643	Oct. 18	C.N.R.	Edmonton Sta. platform	Uncoupling steam hose.		
3644	Oct. 15	G.T.R.	Hyde Park Junction.	Fell off train.		
3645	Sept. 22	C.N.R.	Tessier, Sask.	Repairing car.		
3646	Oct. 7	G.T.R.	Laydon Junction	Replacing crosshead key.		

## SESSIONAL PAPER No. 20c

Oct. 24	G.T.R.	Stratford.	Riding on pilot of engine.	1
3651	C.P.R.	Toronto.	Found on track.	1
3652	C.P.R.	Toronto.	Caught between freight cars.	1
3653	C.N.R.	Vegreville.	Wheel of truck run over foot.	1
3655	M.C.R.	Welland Station.	Attempting to board train in motion.	1
3656	W. St. C. T.	Port Weller.	Struck by train.	1
3659	G.T.R.	St. Lambert Junction.	Caught between coaches.	1
3660	G.T.R.	Montreal, Pt. St. Charles.	Struck by engine.	1
3661	G.T.R.	Montreal, Turcot.	Fell off top of car.	1
3662	C.P.R.	Buller.	Attempted to board moving train.	1
3663	C.P.R.	Handel.	Repairing electric bell, received internal shock.	1
3668	G.T.R.	Samia Tunnel, Ont.	Attempting to jump on train.	1
3668	G.T.R.	Barrie, Ont.	Shaking grates on engine.	1
3669	M.C.R.	Windsor yard, Ont.	Caught between couplers.	1
3670	M.C.R.	St. Thomas yard.	Knocked off car.	1
3671	M.C.R.	St. Thomas, Ont.	Standing on deck of engine.	1
3672	M.C.R.	Montrose yard, Ont.	Working on engine.	1
3673	C.P.R.	Lambton Roundhouse.	Attempting to cross between cars, fell.	1
3675	G.T.R.	Newmarket, Ont.	Switching cars.	1
3676	G.T.R.	Brantford yards.	Cleaning headlamp.	1
3678	G.T.R.	Montreal, Turcot.	Struck by train.	1
3681	G.T.R.	Vaudreuil Bridge, Que.	Putting coal in fire box, flue burst.	1
3688	Wabash.	Cayuga.	Run over.	1
3693	C.P.R.	Vancouver, Centre yard.	Struck by engine.	1
3694	C.P.R.	Kingston yard.	Getting on train.	1
3695	C.N.R.	Still Creek.	Coupling.	1
3698	G.T.R.	Stratford, Ont.	Adjusting coupler knuckle lock on track.	1
3699	M.C.R.	Windsor, Ont.	Fell off top of car.	1
3700	C.W. & L.E.	Bet. Chatham and Dover.	Lifting scoop after getting water.	1
3701	P.M.R.	Waterford.	Taking water at crane pipe.	1
3702	G.T.R.	Tiffin, Ont.	Fell off top of car.	1
3703	C.N.R.	North Battleford.	Getting off car, got foot caught in grabiron.	1
3705	C.N.R.	Mid-8-6 Parry Sound, S.D.	Train parted.	2
3706	C.P.R.	Shannonville.	Caught between running board on top of car.	1
3708	C.N.R.	Rosedale.	Opening knuckle in car.	1
3709	C.N.R.	Camrose, Alta.	Putting in new water glass.	1
3710	Wabash.	Beile River, Ont.	Struck by engine.	1
3711	G.T.R.	Trenton, Ont.	Fell off engine.	1
3712	G.T.R.	Colborne, Ont.	Fell off engine.	1
3713	P.M.R.	St. Thomas Jet.	Crushed between cars.	1
3714	M.C.R.	Montrose yard.	Struck by engine.	1
3715	C.P.R.	Bordeaux.	Fell off car.	1
3717	G.T.R.	Hamilton yard.	Fell off train.	1
3719	G.T.R.	Lakeside Station.	Struck by tender.	1
3720	C.P.R.	Hochelega.	Jumped off train.	1
3721	G.T.R.	St. Amos, Que.	Thrown from car.	1
3726	T.H. & B.	Hamilton, Aberdeen yard.	Fell off train.	1
3727	C.N.R.	Rainy River.	Fell on station platform.	1
3729	C.P.R.	Hull.	Fell off top of car.	1
3731	C.P.R.	Hochelega.	Bent arch tube.	1
3732	G.T.R.	Goderich, Ont.		2



6 GEORGE V, A. 1916

No. 10. STATEMENT showing various other Accidents attended by Personal Injury Investigated during Year ending March 31, 1915.—*Con.*

File.	Date.	Railway.	Place.	Remarks.	Killed.	Injured.
Inv.	1914.					
3734	Oct. 12.	C.P.R.	Narceby.	Coach passed over foot.		1
3741	Nov. 28.	G.T.R.	Forest, Ont.	Jumped off train.		1
3744	Dec. 7.	G.T.R.	North Parkdale, Ont.	Struck foot against rail.		1
3745	Nov. 7.	C.N.R.	Regina.	Thrown from car, coupling.		1
3746	Nov. 18.	C.P.R.	Sutherland east mile board.	Run over.		1
3748	Dec. 15.	G.T.R.	London yard.	Switching.	1	3
3749	Dec. 21.	E. & L.S.	Kingsville, Furlam.	Must have twisted live wire when on top of car.	1	1
3750	Nov. 26.	N.Y.C. & H.R.	Russell, Ont.	Fell while climbing over top of car.		1
3752	Dec. 16.	G.T.R.	Coteau Junction, Que.	Pulling car out of siding, pole broke.		1
3755	Dec. 15.	C.P.R.	Crow Lake.	Jumped off train.	1	
3757	Dec. 24.	C.N.R.	Melfort.	Squirt hose working open.		1
3761	June 20.	O. & N.Y.	Cornwall, Ont.	Struck by motor.	1	1
3763	Jan. 22.	G.T.R.	Niagara Falls.	Run over.		1
3764	Jan. 9.	G.T.R.	Fort Erie.	Adjusting couplers.		1
3767	Dec. 23.	C.N.R.	Dalmeny.	Jumped off train.		1
3768	Dec. 9.	C.N.R.	Brandon Transfer track.	Crushed between cars.		1
3771	Jan. 16.	C.N.R.	Zealandia, mile post 59.	Steam pipe on injector breaking.		1
3773	Nov. 21.	C.P.R.	McAdam Junction.	Trimming coal on tender.		1
3775	Jan. 7.	C.P.R.	Mileage 33-06, Renton, Woodstock.	Getting off train.	1	
3777	Dec. 5.	C.N.R.	Mil. 282, bet. Kamsack and Vereggin.	Caught between engine and caboose.		1
3778	Jan. 16.	C.N.R.	Saskatoon, Sask.	Riding cars during coupling movements.		1
3779	Jan. 4.	G.T.R.	Montreal, Pt. St. Charles.	Backing in on dump car track.		1
3781	Jan. 13.	G.T.R.	Brantford.	Slipped off step alighting from train.		1
3782	Jan. 25.	G.T.R.	London yard.	Adjusting couplers.		1
3783	Nov. 18.	M.F. & M.	Fernie yard.	Switching.	1	
3784	Nov. 24.	C.P.R.	Cranbrook yard.	Run over.	1	
3785	Jan. 12.	G.T.R.	Hamilton yard.	Standing on footboard of engine.		1
3787	Feb. 10.	G.T.R.	Toronto.	Run over.		1
3789	Feb. 12.	G.T.R.	Thamesville.	Struck by bridge.	1	
3790	Feb. 6.	G.T.R.	Minico, Ont.	Struck by train.	1	
3794	Feb. 20.	G.T.R.	Ste. Annes.	Struck by train.	1	
3796	Dec. 20.	C.P.R.	Field.	Struck by engine.	1	
3800	Nov. 8.	G.T.P.	Nose Lake, B.C.	Run over.	1	
3801	Feb. 16.	C.N.O.	Brookville, Ont.	Caught between shed and platform of car.		1
3802	Feb. 2.	Wabash.	Jarvis, Ont.	Ground under engine.	1	
3803	Feb. 12.	G.T.R.	Seaforth.	Setting brakes on car.		1
3808	Feb. 16.	C.N.R.	Brazeau, mil. 152, 1½ poles west.	Thrown against water tank.		2

## SESSIONAL PAPER No. 20c

3809	Feb.	9.	Q.M. & S.	Fortierville.	Fell from tender of engine.	1
3810	Feb.	7.	G.T.R.	Coteau Junc.	Fell off car.	1
3813	Feb.	8.	C.P.R.	McLeod yard.	Attempted to cross track in front of train.	1
3814	Mar.	7.	G.T.R.	Belleville, 2 miles east.	Crown sheet scorched.	1
3816	Feb.	3.	G.T.R.	Stratford.	Adjusting couplers.	1
3817	Feb.	23.	V.V. & E.	Vancouver Yard.	Adjusting couplers.	1
3818	Feb.	16.	G.T.R.	Compton.	Descending ladder from car.	1
3819	Feb.	8.	G.T.R.	Brockville, Manitoba yard.	Caught between engine and cab and apron of coal chute.	1
3820	Feb.	24.	G.T.R.	London.	Struck by car.	1
3822	Mar.	2.	M.C.R.	Ridgetown, 2 miles west.	Fell off engine.	1
3824	Feb.	22.	M.C.R.	Windsor yard.	Riding side of car.	1
3826	Feb.	26.	G.T.R.	Montreal, Turcot.	Fell from top of car.	1
3828	Mar.	6.	G.T.R.	Actonvale.	Fell from top of car.	1
3830	Feb.	26.	G.T.R.	Sarnia tunnel yard.	Adjusting couplers.	1
3831	Jan.	22.	C.P.R.	Aurora, one mile east.	Stepping from car to engine.	1
Total number of investigations.....						268
Total killed.....						65
Total injured.....						233

6 GEORGE V, A. 1916

## No. 11.—RECAPITULATION of Accidents Investigated.

	Number of Investiga- tions.	Killed.	Injured.
Statement number 7 showing collisions attended by personal injury investigated during the year ending March 31, 1915.....	49	19	165
Statement number 8 showing derailments attended by personal injury investigated during year ending March 31, 1915.....	34	11	81
Statement number 9 showing highway crossing accidents attended by personal injury investigated during year ending March 31, 1915....	115	48	93
Statement number 10 showing various other accidents attended by personal injury investigated during year ending March 31, 1915....	268	65	233
Total.....	466	143	572

## No. 12.—STATEMENT showing the Number of Highway Crossing Accidents by Provinces and Railways, Year ending March 31, 1915.

Name of Railway.	Ontario.	Quebec.	New Brunswick.	Nova Scotia.	Manitoba.	British Columbia.	Saskatchewan.	Alberta.	Yukon.	Total.	Killed.	Injured.
Canadian Pacific.....	21	9	1	.....	1	.....	2	2	.....	36	15	25
Michigan Central.....	5	.....	.....	.....	.....	.....	.....	.....	.....	5	1	5
Grand Trunk.....	46	11	.....	.....	.....	.....	2	.....	.....	57	24	42
Canadian Northern.....	3	.....	.....	.....	1	.....	2	1	.....	7	2	6
Canadian Northern Ontario.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2	2	1
Père Marquette.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	2
St. Lawrence and Adirondack.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....	1
Windsor, Essex & Lake Shore.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	4
Central Vermont.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....	1
Halifax and South Western.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1	.....	1
Boston and Maine.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	2	.....
Brantford and Hamilton Electric.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
Total.....	82	23	1	1	2	.....	4	3	.....	116	47	90



## SESSIONAL PAPER No. 20c

No. 13.—STATEMENT showing Highway Crossings at which protection provided, and nature of protection, during year ending March 31, 1915.

File No.	Order No.	Location of Crossing.	Railway.	Nature of Protection.
9437-121	21711	Lachine, Eighteenth Avenue.	G.T.R.	Gates.
23458	21734	Oak Lake, Manitoba, First Avenue.	C.P.R.	Electric bell.
9437-1107	21757	Central Ontario Junction, crossing first public highway east.	C.P.R.	Electric bell.
9437-1090	21815	Three Rivers, Laviolette Avenue.	C.P.R.	Electric bell.
9437-1060	21836	Port Hammond, Municipality of Maple Ridge.	C.P.R.	Electric bell.
9437-1095	21865	Allison, Ont., Albert Street.	C.P.R.	Electric bell.
9437-1088				
and 9437-1089	21866	Three Rivers, Quebec, St. Maurice Street.	C.P.R.	Gates.
9437-1088				
and 9437-1089	21866	Three Rivers, Quebec, St. Thomas Street.	C.P.R.	Gates.
9437-1088				
and 9437-1089	21866	Three Rivers, Quebec, Bonaventure Street.	C.P.R.	Gates.
9437-1099	21878	Toronto, Cherry Street.	C.P.R.	Flagman from 6.30 a.m. until 7 p.m.
9437-1129	21900	Fort William Station, highway crossing west.	D.A.R.	Flagman for trains not stopping at station.
22282	21931	Twp. of Toronto, County Peel, Dundas Street.	C.P.R.	Subway.
22282	21913	Twp. of Ontario, County Peel, Dundas Street.	C.P.R.	Gates.
9437-1105	21975	Armilla, Sask., crossing of public road just west.	C.P.R.	Division of crossing into highway.
9437-1138	21978	London, Ont., crossing of main approach to hospital for insane.	C.P.R.	Electric bell.
9437-1120	21979	Chatham, Ont., Head Street.	Pere Marquette.	Electric bell and all train movements on siding to be flagged over crossing.
9437-455	22080	Wyoming, Ont., Main Street.	G.T.R.	Gates to be operated between hours of 7 p.m. and 7 a.m. (formerly operated only during day hours).
9437-973	22083	New Westminster, B.C., Burnett Street.	C.N.R. (V.V. & E.E. & N.)	Gates.
9437-987	22135	Public road leading from Cambridge, County Kings to Waterville, east of station.	D.A.R.	Electric bell.
9437-1086	22147	St. Hubert, Que., crossing of highway.	G.T.R.	Electric bell.
23420	22161	Edmonton, Alta., Syndicate Avenue.	C.N. and G.T.	Gates.
23420	22161	Edmonton, Alta., Alberta Avenue.	Rys. and G.T.	Gates.
3701-236	22214	Belleville, Ont., Kingston Road, 1 mile east.	Rys.	Gates.
3701-38	22307	Parkham, Ont., crossing of Frontenac Road.	C.L.O. & W.Ry.	Electric bell.
9437-1140	22386	Lot 16, Concession 9, Twp. Parry, Parry Sound District, Ont.	C.L.O. & W.Ry.	Electric bell.
9437-1171	22406	St. Pauls Station crossing first public highway west.	G.T.R.	Electric bell.
9437-1154	22458	Burlington Junction crossing ¼ miles east.	G.T.R.	Electric bell.
9437-1183	22520	Peterboro, Ont., Monaghan Road.	G.T.R.	Electric bell.
9437-1189	22523	Ayers Cliff crossing ¼ mile south.	B. & M.	Electric bell.
9437-1167	22659	Seaforth Station, Ont., just east.	G.T.R.	Electric bell.
22559-1	22688	Niagara Falls, Ont., Bender Street.	Michigan Cent.	Watchman 7 a.m. to 7 p.m.
9437-1146	22697	Simcoe, Ont., Norfolk Street.	G.T.R.	Train movements be flagged. Limitation of speed.

No. 13.—STATEMENT showing Highway Crossings at which protection provided, and nature of protection, during year ending March 31, 1915.—*Continued.*

File No.	Order No.	Location of Crossing.	Railway.	Nature of Protection.
9437-1178	22699	North Toronto, Ont., Macleannan Street.....	C.P.R.	Gates.
Case 1253	22710	Hamilton, Ont., Ottawa Street.....	G.T.R.	Gates.
3378-308	22760	Lot 53, Concession 1, Twp. Sydney, Hastings County, Ont., crossing Kingston Road.....	C.N.O.R.	Gates.
9437-1192	22785	Crossing bet. lots 5 and 6, Twp. Toronto.....	C.P.R.	Electric bell.
16943	22792	Hamilton, Wentworth Street.....	G.T.R.	Switching movements be flagged.
9437-1187	22894	Uthoff, short distance west of Tp. Orillia.....	G.T.R.	Electric bell.
12012-2	22896	Montreal, Park Avenue.....	C.P.R.	Gates.
31907	22905	Prince Albert, Sask., Fourth Avenue west	C.N.R.	Watchman, 6.30 a.m. to 6.30 p.m. daily except Sunday.
2100-42	22971	Mil. 60-09 bet. Concessions 9 and 10, Tp. Eldon.....	C.P.R.	Electric bell.
9437-1186	22986	Calgary, Twelfth Street East.....	G.T.R.	Gates.
9437-844	23030	Hamilton, Gage Avenue, formerly Trolley Street.....	E. & N. Ry.	Watchman between hours 8 a.m. and 7 p.m.
9437-1143	23038	Duncan Station, B.C., south of.....	C.N.R.	Electric bell.
9437-1221	23047	New Westminster, B.C., Front Street.....	V.V. & E.R. &	Electric bell.
20062	23074	Vancouver, B.C., Pender Street.....	N.	Trains to be flagged.
20062	23074	Vancouver, B.C., Keefer Street.....	V.V. & E.R. &	Trains to be flagged.
9437-1225	23115	Vancouver, B.C., Harris Street.....	V.V. & E.R. &	Trains to be flagged.
9437-1126	21594	Meaford Station, Bridge Street.....	G.T.R.	Trains to be flagged.
9437-1102	21611	Bridge Street, Niagara Falls, Ont.....	G.T.R.	Station or other employee to act as watchman during switching operations.
9437-170	23249	Moorefield, Ont., County Road No. 8.....	G.T.R.	Train movements flagged.
9437-1157	23277	Oakville, highway immediately west station.....	G.T.R.	Electric bell.
9437-1157	23277	Casselman, Concession Street.....	G.T.R.	Electric bell.
22611	23278	Casselman, Sealey Street.....	G.T.R.	Removal of section house.
9437-1211	23306	Papot, Sask., N.W.S. 7 T. 12 R. 25 W. of 3.....	C.P.R.	Limitation of speed.
9437-1166	23433	London, Ont., Dundas Street.....	C.P.R.	Electric bell.
9437-1164	23413	Main Road bet. Ketepec and Acumac, N.B.....	G.T.R.	Electric bell.
9437-1153	22906	Martinson Station.....	G.T.R.	Electric bell.
9437-1147	22188	Brampton, Ont., James Street.....	G.T.R.	Electric bell.
660-73	22957	Berlin, Ont., Wilnot Street.....	St. Ry., G.T.R.	Subway.
22512-1	21904	Tp. of Barton, County Wentworth, Kemilworth Avenue (Hamilton).....	C.N.R.	Diversion.
29757	26450	Mun. Strathclair, Man., roadway between sections 5 and 8, Tp. 18, R. 21, W. 1 M. and section 6, Tp. 18, R. 21.....	C.P.R.	Subway.
9437-1176	23455	Between lots 5 and 6, Con. 5, W. of Tp. of Toronto, Peel County.....	G.T.R.	Switching movements flagged.
		Simcoe, Union Street.....	G.T.R.	Removal of trees.
		Union School crossing between Tps. Stursted and Stepienson.....	G.T.R.	

SESSIONAL PAPER No. 20c

## RECAPITULATION.

Removal of trees.....	1
Gates.....	14
Electric bell.....	29
Flagman.....	6
Subway.....	3
Diversion.....	3
Limitation of speed.....	3
Removal of buildings.....	1
Train movements flagged.....	1
Total.....	65



No. 14. STATEMENT showing the number of Highway Crossings at which protection has been ordered by the Board, and nature of protection, set out by provinces and separately, for the years ending March 31, 1913, 1914, and 1915.

Nature of Protection.	NOVA SCOTIA.			NEW BRUNSWICK.			QUEBEC.			ONTARIO.			MANITOBA.			SASKAT- CHEWAN.			ALBERTA.			BRITISH COLUMBIA.			Total.			Grand Total 1913, 1914, 1915.		
	1913	1914	1915	1913	1914	1915	1913	1914	1915	1913	1914	1915	1913	1914	1915	1913	1914	1915	1913	1914	1915	1913	1914	1915	1913	1914	1915			
Gates.	1						2	3	5	15	16	6		1					3	2		1			22	25	14	61		
Electric bell.																														
Watchman.	6	1	1				2	3	3	30	37	18				1	4	1	1	3		2			41	44	29	114		
Subway.																														
Diversion.																														
Limitation of speed.																														
Removal of buildings.							1																							
Train movements flagged.																														
Tracks to be kept clear.																														
Removal of tracks.																														
Removal of banks and trees.																														
Overhead bridge.																														
Total.....	7	2	3	.....			2	6	9	8	62	69	38		3	7	1	3	6	4	1	5	6	2	3	4	87	99	65	251

## SESSIONAL PAPER No. 20c

No. 15.—STATEMENT showing the totals by Provinces and Railways as regards "Trespassers" killed, and injured during the year ending March 31, 1915.

Name of Railway.	ONTARIO.		QUEBEC.		BRITISH COLUMBIA.		ALBERTA.		SASKATCHEWAN.		MANITOBA.		NEW BRUNSWICK.		TOTAL.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Canadian Pacific.....	26	19	10	6	15	8	6	5	7	1	8	4	1	72	44	
Grand Trunk.....	51	33	20	10										71	43	
Canadian Northern.....	2	2					2	1		6	2	4		6	13	
Grand Trunk Pacific.....						2		2			2	1		2	5	
Toronto, Hamilton and Buffalo.....	3	3		2										3	3	
Canadian Northern Quebec.....			5											5	2	
Pere Marquette.....	1	4												1	4	
Michigan Central.....	3	2												3	2	
Esquimalt and Nanaimo.....														1	4	
Boston and Maine.....			1		1	2								3	2	
Algoma Central and Hudson Bay.....	1													1	2	
Ottawa and New York.....														1	1	
Wabash.....		1												1	1	
Canadian Northern Ontario.....		1												1	1	
St. Lawrence and Adirondack.....	3	4	1	1										3	4	
Central Vermont.....				1										1	1	
Total	90	69	37	20	16	12	8	8	7	7	12	9	1	170	126	

No. 16.—STATEMENT showing the Number of Persons Killed and Injured on the various railways in Canada, under the jurisdiction of the Board, from February 1, 1904, until March 31, 1915, classified and shown separately for each and every year.

Year.	PASSENGERS.		EMPLOYEES.		OTHERS.		TOTAL.	
	K.	I.	K.	I.	K.	I.	K.	I.
1905.....	73	38	168	92	161	14	402	144
1906.....	76	43	126	163	179	17	381	223
1907.....	42	210	212	317	206	76	460	603
1908.....	64	326	246	806	219	177	529	1,309
1909.....	26	227	191	769	231	205	448	1,201
1910.....	51	211	194	745	211	167	456	1,123
1911.....	24	132	263	788	207	199	494	1,119
1912.....	28	292	230	1,381	231	238	489	1,911
1913.....	21	410	303	1,603	319	218	643	2,231
1914.....	31	339	249	1,250	314	310	594	1,899
1915.....	8	239	99	873	230	251	337	1,363
Totals.....	444	2,467	2,281	8,787	2,508	1,872	5,233	13,126

No. 17.—STATEMENT showing the Number of Persons Killed and Injured in the More Prominent Accidents on the various railways under the jurisdiction of the Board, shown separately for each year for the five years ending March 31, 1915.

Nature of Accident.	1911.		1912.		1913.		1914.		1915.		TOTAL.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	9	66	45	221	19	317	39	257	7	82	119	943
Collision, head on.....	21	30	8	58	26	108	7	29	2	46	64	271
Collision, rear end.....	7	33	13	31	16	90	14	23	7	49	57	226
Collision, in yard.....	*	*	*	*	8	51	18	55	3	54	26	160
Collision with cars, foul main track.....	4	5	7	2	1	1	8	2	2	7	22	79
Collision with cars, open switch.....	1	4	2	39	15	5	17	5	17	4	79	93
Collision at level crossing.....	1	11	2	4	1	1	39	2	22	6	76	93
Highway crossing, protected.....	*	*	13	26	10	14	17	31	10	22	50	93
Highway crossing, unprotected.....	*	*	36	53	29	48	44	84	37	68	146	253
Highway crossing.....	†37	†64	162	122	251	116	238	164	170	126	367	597
Trespassing.....	10	63	11	63	29	92	11	60	7	38	68	316
Adjusting couplers, coupling, etc.....	9	9	13	10	16	16	10	13	5	9	53	57
Hand car, motor, etc., struck by train.....	9	9	2	22	1	21	4	21	1	8	8	81
Struck by switch stand, water spout, etc.....	*	*	13	7	9	4	7	7	9	11	38	38
Caught between cars and buildings.....	3	9	7	15	10	13	6	17	3	11	29	65
Falling off passenger trains.....	10	44	2	29	10	43	4	41	4	22	30	179
Falling off top of car, walking over train.....	1	6	2	3	2	7	2	5	2	3	9	24
Falling between cars, walking over train.....	33	30	8	43	12	53	7	55	3	45	62	220
Getting off train in motion.....	24	38	4	26	16	40	8	47	2	29	54	180
Attempt to board train in motion.....	*	*	*	55	64	56	64	64	33	41	144	160
Run down by engine or cars.....	2	1	3	1	10	2	4	5	4	4	2	2
Locomotive dropping crown sheet of fire box.....	2	1	3	1	10	2	4	5	4	4	2	2
Total.....	312	491	336	788	520	1,128	497	1,041	208	693	1,963	4,14

NOTE.—\*Heading not in existence.

†No distinction made up to this time between protected and unprotected crossings.



## SESSIONAL PAPER No. 20c

No. 18.—STATEMENT of Terminal Tests of Air Brakes in Trains, in connection with Clause 1 of General Order No. 65, for year ending March 31, 1915.

Name of Railway.	Number of trains.	Number of cars.	Number of air cars.	Number of non-air brakes.	Number of brakes cut out.	Brakes that did not apply.	Brakes that operated.	Cars not controlled by air.	Cars controlled by air.	Per cent of case controlled by air.	Brakes with excessive piston travel.
Canadian Pacific.....	20	736	736	.....	15	33	690	48	690	93.50	34
Grand Trunk.....	16	552	552	.....	15	39	498	54	498	90.23	27
Canadian Northern.....	2	96	96	.....	7	.....	89	7	89	92.70	5
Canadian Northern Quebec.....	1	16	16	.....	.....	1	15	1	15	93.75	1
Boston and Maine.....	1	7	7	.....	1	.....	6	1	6	85.71	.....
Quebec, Montreal and Southern.....	1	16	16	.....	.....	3	13	3	13	81.25	.....
Pere Marquette.....	1	47	47	.....	4	4	39	8	39	82.97	.....
New York Central.....	1	19	19	.....	.....	1	18	1	18	94.74	1
Total.....	43	1,491	1,491	.....	42	81	1,368	123	1,368	91.75	68

No. 19. STATEMENT Showing Cars Inspected for Year ending March 31, 1915, together with Defects Noted.

Name of Railway.	Cars inspected.	Cars defective.	Per cent defective.	Grand total defects.	Couplers and parts.	Per cent defective.	Uncoupling mechanism.	Per cent defective.	Air brakes.	Per cent defective.
Grand Trunk.....	35,324	2,038	5.74	2,120	84	3.96	333	15.71	1,245	58.72
Canadian Pacific.....	56,066	3,420	6.10	3,628	68	1.04	377	10.40	2,304	63.50
Canadian Northern.....	4,599	460	10.02	548	8	1.45	89	16.24	239	42.61
Canadian Northern Quebec.....	4,630	296	6.39	302	4	1.32	45	14.90	176	58.28
Grand Trunk Pacific.....	1,796	135	7.51	141	1	0.71	18	12.76	53	37.58
Pere Marquette.....	1,080	84	7.77	100			9	9.00	84	84.00
Toronto, Hamilton & Buffalo.....	460	13	2.82	15						
Quebec, Montreal and Southern.....	280	23	8.21	25	1	4.00	2	8.00	8	33.33
Central Vermont.....	389	27	6.94	29			4	13.79	15	60.00
Boston and Maine.....	645	42	6.51	44			1	2.27	17	38.62
Dominion Atlantic.....	55	6	10.90	6					29	65.90
Great Northern.....	23	1	4.34	1					5	83.33
Victoria and Sydney.....	29	18	62.06	31			6	19.35	4	12.90
Algoma Central and Hudson Bay.....	110	15	13.63	19			2	10.52	2	10.52
Total.....	105,436	6,578	6.24	7,009	166	2.36	886	12.64	4,181	59.43

## SESSIONAL PAPER No. 20c

No. 19.—STATEMENT Showing Cars Inspected for Year ending March 31, 1915, together with Defects Noted.

Name of Railway.	Ladders.	Per cent defective.	Sill stops.	Per cent defective.	Height of couplers.	Per cent defective.	Miscellaneous.	Per cent defective.
Grand Trunk.....	53	2.50	43	1.50			339	15.99
Canadian Pacific.....	260	7.11	156	4.30			378	10.42
Canadian Northern.....	30	5.47	68	12.40			82	14.96
Canadian Northern Quebec.....	55	18.21	11	3.64			11	3.64
Grand Trunk Pacific.....	6	4.25	11	7.80			28	19.85
Père Marquette.....							6	6.00
Toronto, Hamilton and Buffalo.....	2	13.33	2	13.33			2	13.33
Quebec, Montreal and Southern.....	3	12.00					4	16.00
Central Vermont.....			1	3.44			7	24.13
Boston and Maine.....	1	2.27					13	29.54
Dominion Atlantic.....							1	16.66
Great Northern.....			1	100.00				
Victoria and Sydney.....	2	6.45	5	16.13			4	12.92
Algoma Central and Hudson Bay.....	5	26.31	3	15.78			1	5.26
Total.....	417	5.95	301	4.29			876	12.50



6 GEORGE V, A. 1916

No. 20.—DEFECTIVE Appliances on Freight Cars, reported by Inspectors, for Year ending March 31, 1915.

## COUPLERS AND PARTS.

Coupler body broken.....	7
Coupler body worn.....	
Guard arm short.....	3
Knuckle broken.....	
Knuckle worn.....	8
Knuckle missing.....	1
Knuckle pin broken.....	
Knuckle pin wrong.....	2
Knuckle pin bent.....	1
Knuckle pin missing.....	125
Lock block broken.....	
Lock block worn.....	
Lock block wrong.....	
Lock block bent.....	3
Lock block inoperative.....	14
Lock block missing.....	2
Lock block key missing.....	
Lock block trigger missing.....	
Total.....	166

## UNCOUPLING MECHANISM.

Uncoupling lever broken.....	140
Uncoupling lever wrong.....	2
Uncoupling lever bent.....	37
Uncoupling lever incorrectly applied.....	
Uncoupling lever missing.....	81
Uncoupling chain broken.....	593
Uncoupling chain too long.....	11
Uncoupling chain too short.....	9
Uncoupling chain kinked.....	
Uncoupling chain missing.....	10
End casting broken.....	
End casting wrong.....	
End casting bent.....	
End casting loose.....	
End casting incorrectly applied.....	
End casting missing.....	
Keeper broken.....	
Keeper wrong.....	
Keeper bent.....	
Keeper loose.....	1
Keeper incorrectly applied.....	
Keeper missing.....	2
Angle clip loose.....	
Total.....	886

## HAND HOLDS.

Hand hold broken.....	5
Hand hold bent.....	102
Hand hold loose.....	10
Hand hold incorrectly applied.....	4
Hand hold missing.....	61
Total.....	182
Miscellaneous.....	876

## SESSIONAL PAPER No. 20c

No. 20.—DEFECTIVE Appliances on Freight Cars, reported by Inspectors, for Year ending March 31, 1915—*Concluded.*

## AIR BRAKES.

Triple valve defective.....	
Triple valve missing.....	
Reservoir defective.....	
Reservoir loose.....	
Cylinder defective.....	6
Cylinder loose.....	78
Cylinder and triple valve not cleaned within 13 months.....	277
Cylinder and triple valve not stencilled, with date of cleaning.....	2
Cut out cock and defective.....	128
Release cock defective.....	1
Release cock missing.....	
Release rod broken.....	129
Release rod missing.....	375
Angle cock defective.....	316
Angle cock missing.....	17
Train pipe broken.....	19
Train pipe loose.....	124
Train pipe bracket missing.....	1
Cross over pipe defective.....	18
Hose defective.....	12
Hose missing.....	161
Hose gasket missing.....	
Retaining valve defective.....	166
Retaining valve missing.....	7
Retaining pipe defective.....	294
Retaining pipe missing.....	3
Brake rigging defective.....	
Brake cut out.....	2,042
Brake cut out; card old.....	
No brakes of any kind.....	5
Pump missing.....	
Total.....	4,161

## LADDERS.

Ladder round broken.....	28
Ladder round bent.....	100
Ladder round loose.....	255
Ladder round missing.....	19
Ladder incorrectly applied.....	
Ladder loose.....	15
Total.....	417

## SILL STEPS.

Sill step broken.....	7
Sill step bent.....	226
Sill step loose.....	19
Sill step incorrectly applied.....	
Sill step missing.....	49
Total.....	301

## HEIGHT OF COUPLERS.

Coupler too high.....	
Coupler too low.....	
Carrier iron loose.....	
Total.....	
Grand Total.....	7,009

6 GEORGE V, A. 1916

No. 21 (a).—COMPARATIVE STATEMENT of Defects on Freight Cars between the Years ending March 31, 1913, 1914, and 1915.

	1913.	1914.	1915.
Couplers and parts.....	493	336	166
Uncoupling mechanism.....	2,632	1,606	886
Handholds.....	560	241	182
Air brakes.....	2,946	5,935	4)181
Ladders.....	801	647	417
Sill steps.....	613	485	301
Height of couplers.....	31	21	.....
Miscellaneous.....	1,110	1,511	876
Grand total.....	14,186	10,782	7,009

No. 21 (b).—COMPARATIVE STATEMENT of Cars inspected and defective between the years ending March 31, 1913, 1914 and 1915.

	1913. *	1914.	1915.
Cars inspected.....	137,054	110,407	105,486
Cars defective.....	13,110	9,989	6,578
Percentage defective.....	9.56%	9.05%	6.24%



## SESSIONAL PAPER No. 20c

No. 22.—STATEMENT showing Station Locations approved of during Year ending  
March 31, 1915.

Name of Station.	Province.	Railway.	Date.	Order Number.	File Number.
Admirals Road.....	British Columbia	E. & N.....	Feb. 19.....	23214	23355
Aubrey.....	Quebec	G.T.R.....	July 8.....	22194	24615
Avonhurst.....	Saskatchewan	G.T.P.....	June 9.....	21960	24354
Alask.....	Saskatchewan	C.N.R.....	June 18.....	22020	24225
Athlmer.....	British Columbia	C.P.R.....	July 14.....	22207	1136-13
Aleza Lake.....	British Columbia	G.T.P.....	Oct. 23.....	22744	1242-1
Anorley.....	Saskatchewan	C.N.R.....	Feb. 23.....	23335	25582
Birch Point.....	Ontario	C.P.R.....	April 11.....	21633	24197
Bridge End.....	Ontario	G. & S. (C.P. R.)	Oct. 19.....	22730	24881
Burns Lake.....	British Columbia	G.T.P.....	Oct. 20.....	22733	3452-54
Bednisti.....	British Columbia	G.T.P.....	Oct. 27.....	22769	24860
Borlon.....	Alberta	C.N.R.....	Jan. 15, 1915	23173	25410
Billy.....	Alberta	C.N.R.....	Feb. 15.....	23295	25420
Clemow.....	Ontario	C.N.O.....	May 27.....	21886	24372
Craigmyle.....	Alberta	C.N.R.....	June 30.....	22101	24291
Coquitlam.....	British Columbia	C.P.R.....	July 29.....	22289	20750
Craig.....	British Columbia	E. & N.....	Sept. 11.....	22535	24570
Clanston.....	Saskatchewan	C.N.R.....	Sept. 16.....	22558	24590
Cornwall.....	Ontario	G. & S.....	Oct. 25.....	22774	22902-7
Chip Lake.....	Alberta	C.N.R.....	Jan. 15, 1915	23173	25412
Calahao.....	Alberta	C.N.R.....	Jan. 15.....	23173	25419
Carrat.....	Alberta	C.N.R.....	Feb. 9.....	23264	25415
Duncannon.....	British Columbia	G.T.P.....	June 24.....	22054	24280
Dulhuth.....	Ontario	G.T.R.....	July 13.....	22197	24623
Dashwood.....	British Columbia	E. & N.....	Sept. 23.....	22599	24920
Dewey.....	British Columbia	G.T.P.....	Oct. 27.....	22767	24965
Dunnville.....	Ontario	Erie & Ont.....	Nov. 3.....	22806	24560-35
Decher Lake.....	British Columbia	G.T.P.....	Nov. 12.....	22857	24918
Donnenny.....	Saskatchewan	G.T.P.....	Dec. 7.....	22969	24873
Diltz Junction.....	Ontario	E. & O.....	Dec. 31.....	23068	24560-38
Dayman.....	Alberta	C.N.R.....	Jan. 15, 1915	23173	25414
Dinsmore.....	Saskatchewan	C.N.R.....	Jan. 30.....	23226	25501
Edgewater.....	British Columbia	C.P.R.....	July 4.....	22137	1136-45
Eastend.....	Saskatchewan	C.P.R.....	July 21.....	22239	24546
Evelyn.....	British Columbia	G.T.P.....	Aug. 24.....	22435	24716
Eliose.....	Saskatchewan	C.N.R.....	June 29.....	22077	24555
Engen.....	British Columbia	G.T.P.....	Oct. 27.....	22769	24854
Eganville.....	Ontario	C.P.R.....	Oct. 28.....	22778	11403
Entwistle.....	Alberta	C.N.R.....	Feb. 9.....	23269	25085
Foreman.....	British Columbia	G.T.P.....	Oct. 23.....	22744	1274-0
Forest Dale.....	British Columbia	G.T.P.....	Nov. 12.....	22857	14947
Fulstow.....	Alberta	C.N.R.....	Jan. 15, 1915	23173	25413
Fargan.....	Saskatchewan	C.N.R.....	Mar. 16.....	23429	25669
Glenbrook.....	Ontario	G. & S. (C.P. R.)	Sept. 26.....	22618	24880
Glenmorris.....	Ontario	L.E. & N. (C. P.R.)	Oct. 16.....	22719	24929
Glengordon.....	Ontario	G. & S. (C.P. R.)	Oct. 19.....	22730	24883
Giscome.....	British Columbia	G.T.P.....	Oct. 27.....	22767	24969
Galt.....	Ontario	L. E. & N.....	Nov. 6.....	22833	10834-76
Glasnevin.....	Saskatchewan	C.P.R.....	Jan. 18, 1915	23172	24604
Genona.....	Saskatchewan	G.T.P.....	Feb. 15.....	23297	25103
Hubert.....	British Columbia	G.T.P.....	June 23.....	22049	24455
Hughton.....	Saskatchewan	C.N.R.....	Sept. 3.....	22507	23717
Hulatt.....	British Columbia	G.T.P.....	Oct. 27.....	22769	24859
Hansars.....	British Columbia	G.T.P.....	Nov. 30.....	22942	25010
Hutton.....	British Columbia	G.T.P.....	Dec. 24.....	23048	24971
Henry House.....	Alberta	C.N.R.....	Feb. 24.....	23350	25567
Inglewood.....	Ontario	G.T.R.....	Dec. 17.....	23012	25284
Krensburg.....	Manitoba	C.P.R.....	May 16.....	21839	23426
Kaslo.....	British Columbia	C.P.R.....	Dec. 17.....	22997	25051
Lac a Travers.....	Ontario	C.N.O.....	April 11.....	21632	24143
Lac aux Sables.....	Quebec	C.N.Q.....	May 6.....	21764	24117
Larchwood.....	Ontario	C.P.R.....	May 12.....	21795	24314
Lorlie.....	Saskatchewan	G.T.P.....	June 12.....	21983	24353

6 GEORGE V, A. 1916

No. 22.—STATEMENT showing Station Locations approved of during Year ending March 31, 1915—*Concluded*.

Name of Station.	Province.	Railway.	Date.	Order Number.	File Number.
Lawson.....	Saskatchewan.....	G.T.P.....	July 2.....	22118	24118
Lacolle.....	Quebec.....	G.T.R.....	July 13.....	22197	24627
Lancaster.....	Ontario.....	G. & S. R.....	Sept. 29.....	22623	24882
Luxar.....	British Columbia.....	Kootenay (C.P.R.).....	Oct. 17.....	22716	1138-44
Longworth.....	British Columbia.....	G.T.P.....	Oct. 27.....	22767	24968
Lindup.....	British Columbia.....	G.T.P.....	Oct. 27.....	22767	24970
Lobstick.....	Alberta.....	C.N.R.....	Jan. 15, 1915.....	23173	25417
Mount Geihie.....	Alberta.....	C.N.R.....	Feb. 23.....	23339	25571
Mervin.....	Saskatchewan.....	C.N.R.....	May 27.....	21895	24403
Mountain Park.....	Alberta.....	G.T.P.....	July 2.....	22104	22638
Mile 758-0.....	Alberta.....	G.T.P.....	July 3.....	22120	19275
Marten Lake.....	British Columbia.....	G.T.P.....	Sept. 15.....	22556	24717
Musk.....	Ontario.....	C.P.R.....	Sept. 27.....	22631	24787
Miworth.....	British Columbia.....	G.T.P.....	Oct. 27.....	22769	24861
Marlboro.....	Alberta.....	C.N.R.....	Mar. 12.....	23405	25650
McCall.....	British Columbia.....	G.T.P.....	Oct. 27.....	22769	24856
National Park.....	District Nipissing.....	C.N.O.....	April 8.....	21624	21544
North Bay.....	Ontario.....	C.N.O.....			
Nowlands.....	British Columbia.....	G.T.P.....	Oct. 27.....	22767	24966
Nichol.....	British Columbia.....	G.T.P.....	Dec. 7.....	22972	24857
New Westminster.....	British Columbia.....	C.N.R.....	Dec. 14.....	23016	12055
Otway.....	British Columbia.....	G.T.P.....	Oct. 27.....	22769	24855
Obcd.....	Alberta.....	C.N.R.....	Feb. 23.....	23333	25565
Penetanguishene.....	Ontario.....	G.T.R.....	May 16.....	21852	24363
Pays Plat.....	Ontario.....	C.P.R.....	Sept. 22.....	22589	24715
Paris.....	Ontario.....	L. & E.N.....	Nov. 5.....	22823	24911
Priestly.....	British Columbia.....	G.T.P.....	Nov. 12.....	22857	3452-106
Palling.....	British Columbia.....	G.T.P.....	Nov. 12.....	22859	24945
Palmer.....	British Columbia.....	B. & N.....	Nov. 28.....	22944	23838
Port Davidson.....	Ontario.....	E. & O.....	Jan. 8, 1915.....	23108	24560-39
Quick.....	British Columbia.....	G.T.P.....	Nov. 12.....	22857	24987
Ringold.....	Ontario.....	C.P.R.....	May 14.....	21803	24179
Royston.....	British Columbia.....	B. & N.....	Sept. 29.....	22628	24939
Rose Lake.....	British Columbia.....	G.T.P.....	Nov. 12.....	22857	24946
Robsart.....	Saskatchewan.....	C.P.R.....	Mar. 3.....	23372	25495
Spillimacheen.....	British Columbia.....	C.P.R.....	April 2.....	21582	23528
St. Christopher.....	Ontario.....	C.P.R.....	April 30.....	21715	24212
St. Darathel.....	Quebec.....	C.N.O.....	June 9.....	21965	2342-108
St. Polycarpe.....	Quebec.....	G.T.R.....	July 13.....	22197	24622
Savory.....	British Columbia.....	G.P.T.....	Oct. 21.....	22734	24908
Shelley.....	British Columbia.....	G.T.P.....	Oct. 27.....	22767	24972
Sheraton.....	British Columbia.....	G.T.P.....	Oct. 29.....	22769	24858
St. Liboire.....	Quebec.....	G.T.R.....	Nov. 19.....	22879	24889
Scriven.....	Alberta.....	C.N.R.....	Feb. 23.....	23340	25569
Tintagel.....	British Columbia.....	G.T.P.....	Oct. 29.....	22769	24863
Turtleford.....	Saskatchewan.....	C.N.R.....	Dec. 28.....	23052	24734
Tollerton.....	Alberta.....	G.N.R.....	Mar. 16.....	23428	25670
Vaughan.....	Ontario.....	E. & O.....	Jan. 8, 1915.....	25107	24560-37
Vaughan.....	Ontario.....	C.N.O.....	June 22.....	22033	24371
Wilkinson.....	Ontario.....	C.P.R.....	April 7.....	21608	3701-365
Waterville.....	Quebec.....	G.T.R.....	Oct. 28.....	22775	24888
Walcott.....	British Columbia.....	G.T.P.....	Nov. 12.....	22857	24986
Wiseton.....	Saskatchewan.....	C.N.R.....	Jan. 13.....	23135	25405

Total number of locations approved—116.

## SESSIONAL PAPER No. 20c

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915.

File Number.	Particulars.
24225	Complaint <i>re</i> train service on C.P.R. to and from Alsask, Saskatchewan.
24302	Complaint <i>re</i> train service on C.P.R. between Winnipeg and Lac Du Bonnet, Manitoba.
24322	Complaint <i>re</i> lack of proper fencing and trespassing on C.P.R. in the city of Toronto.
24325	Application for an agent at Arran, Sask., on Canadian Northern Railway.
9994-155	Complaint <i>re</i> condition of fencing on G.T.R. in vicinity of Argyle, Ontario.
G-2245	Complaint <i>re</i> reduction in train service on C.P.R. Lyleton Subdivision.
23938	Complaint <i>re</i> train service on the line of the Irondale and Bancroft Railway.
24547	Complaint <i>re</i> crossings in township of Amaranth on Canadian Pacific Railway.
9437-1176	Complaint <i>re</i> dangerous crossing between Nepedin and Huntsville, Grand Trunk Railway.
G-2369	Complaint <i>re</i> C.P.R. operating wooden postal car in an all-steel train.
965-25	Application Municipality of Abernethy Number 186 for a crossing on C.P.R. between sections 22 and 23-21-12 W. 2 M. west of Balcarres, Sask.
22506	Complaint <i>re</i> accommodation and facilities for freight at Alcona, Ontario, G.T.P.
25240	Complaint <i>re</i> reduction in train service on Stratford division of the Grand Trunk.
4205-33	Application of C.P.R. to remove its agent at Appin, Ontario.
3701-150	Complaint <i>re</i> private crossing on C.L.O. & W. in the vicinity of Newcastle, Ontario.
25515	Application for a station agent at Aiktow, Sask., C.P.R.
25720	Complaint <i>re</i> change in train service on Thunder Hill Branch, C.N.R.
25044	Application to have Halifax and South Western Railway re-open station at Argyle, N.S.
25721	Complaint <i>re</i> reduction in train service, Biggar-Battleford Branch, G.T.P.
4205-56	Complaint <i>re</i> removal of agent Brookfield Mines, N.S., H. & S.W. Railway.
4205-46	Application of C.P.R. to close its station at Bethany as a regular agency.
2100-97	Application of the C.P.R. to remove its agent from Brockin Station, Ontario.
25426	Complaint <i>re</i> C.P.R. removing sideboards from cars in gravel service.
24432	Application of C.N.R. to close Banning Station. as a regular agency.
23802	Complaint <i>re</i> closing of Beverly Station, Sask., C.P.R.
25344	Complaint <i>re</i> train service between Brandon and Winnipeg as regards connections from south of Brandon, C.P.R.
25751	Complaint <i>re</i> train service on G.T.P., Biggar-Loverna Branch.
25302	Complaint <i>re</i> condition of certain engines on C.P.R.
25325	Complaint <i>re</i> train service to and from Bobcaygeon on C.P.R.
15958-9	Complaint <i>re</i> delay to shipment of hogs from Wilcox and Milestone, on C.P.R.
4205-23	Application of C.N.R. to close its station at Beaver, Manitoba, as a regular agency.
4205-24	Application of C.N.R. to remove its agent from Barton Station, Manitoba.
G-2477	Complaint <i>re</i> connection at Brockville between C.N.R. and G.T.R.
25052	Complaint <i>re</i> facilities at Bois Blanc Station, C.N.R.
25107	Application of C.P.R. to close Bonheur Station as a regular agency.
24963	Application for an agent at Bender Hamlet, C.N.R.
3878-578	Complaint <i>re</i> condition of farm crossing, Lot 3, Concession Montague, C.N.R.
24851	Application for a farm crossing, Lot 9, Con. 3, vicinity of Chelmsford, C.P.R.
24850	Application for a farm crossing, west half of Lot 8, Con. 3, vicinity of Chelmsford, C.P.R.
24823	Complaint <i>re</i> facilities Bar River, Ontario, C.P.R.
6695	Application for team track facilities, Barwick, Ont., C.N.R.
24914	Complaint <i>re</i> Grand Trunk discontinuing stopping train No. 28, Baden, Ont.
24348	Complaint <i>re</i> matters affecting the safe operation of trains in the vicinity of Edmonton, C.P.R.
342-3	Application for loading siding between Dauphin and Ashville on C.N.R.
18030	Application to have G.T.P. and C.N.R. use jointly the terminals of C.N.R. in Brandon.
G-2241	Complaint <i>re</i> fencing and cattle guards in vicinity of Berford, Ont., on G.T.R.
19801-74	Complaint <i>re</i> refusal of Pere Marquette to accept shipment of hogs for Buffalo from Amherstburg.
Case 4684	Complaint <i>re</i> Dominion Power and Transmission Company, building fence between right of way and public highway in the vicinity of Burlington.
24563	Application for a stock yard, Blackfoot, Alberta, C.P.R.
24479	Application to have C.P.R. trains numbers 61 and 62 stop at Belle Plains and Pense, Sask.
9437-563	Complaint <i>re</i> crossing Cote de Neiges Road over C.P.R. tracks, Montreal, Que.
G-2759	Complaint <i>re</i> late arrival of C.N.R. mixed train number 32 at Ottawa, Ont.
3701-286	Application for protection Ontario Street, Cobourg, Ont., G.T.R. and C.P.R.
25785	Complain. <i>re</i> main service and lack of agent at Cordova, Sask., C.N.R.
25494	Complaint <i>re</i> train service on C.N.R., Camden East and Newburg.
25625	Application for an agent, Cote Double, near St. Placide, Que., C.N.R.
25717	Complaint <i>re</i> handling of westbound freight for Coblenz, Sask., G.T.P.
25598	Application from a number of residents for removal of station from Hazel to Craig Siding, G.T.P.
4205-51	Complaint <i>re</i> removal of agent, Camden, Ont., C.N.R.
18705-71	Complaint <i>re</i> delay in dispatching and placing of cars, Clyde Forks, Ont., C.P.R.
25486	Complaint <i>re</i> reduction in train service Halifax and South Western Railway and removal of agents at several stations.
25502	Complaint <i>re</i> reduction in train service, Crows Nest Branch, C.P.R.



6 GEORGE V, A. 1916

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915—*Continued.*

File Number.	Particulars.
4206-47	Application of C.P.R. to close its station at Clarendon, Ont., as a regular agency.
10823	Application of C.N.O. for interchange with C.P.R. at Chaudiere Junction.
25234	Application of C.P.R. to be relieved from complying with section 276, Eastern Division.
25437	Application of C.P.R. to be relieved from complying with section 276, Atlantic Division.
25435	Application of C.P.R. to be relieved from complying with section 276, Ontario Division.
17751	Application for better station accommodation at Chelmsford, Ont., C.P.R.
25382	Application for use Morel Siding, C.P.R., for loading pulpwood.
25392	Complaint <i>re</i> Grand Trunk to supply 40 foot bars for 40 foot equipment.
4205-32	Application of C.P.R. to close its station at Chelsea as a regular agency.
25348	Complaint <i>re</i> train service on Edmonton-Athabaska extension, C.N.R.
12679	Application of C.P.R. to operate over interlocking plant Mileage 4, Mission Subdivision.
9437-1207	Application for gates at intersection of Quebec and Lake St. John Railway with Main Street, Chicoutimi, Que.
25136	Complaint <i>re</i> shunting nuisance in the town of Chicoutimi, Quebec and Lake St. John Railway.
25137	Complaint <i>re</i> station accommodation in the town of Chicoutimi, Quebec and Lake St. John Railway.
25328	Application of station facilities, Central Butte, Sask., G.T.P. Ry.
4205-10	Application of C.P.R. to close its station at Clan William as a regular agency.
23224	Application of C.N.R. to close its station at Chandler, Sask., as a regular agency.
G-2486	Inspection of crossing approaching Grand Trunk station over C.P.R. track, Cobourg, Ont.
660-75	Application for farm crossing in the vicinity of Clan William, C.N.R.
25202	Complaint <i>re</i> train service to and from Cumberland, C.N.O.
9437-1186	Inspection Twelfth Street east crossing, Calgary, Alta., C.P.R.
24962	Complaint <i>re</i> cancellation of a train on New York Central, Chateaugay, Que.
G-2402	Inquiry into accident between Grand Trunk and Pere Marquette, Chatham, Ont.
G-2380	Condition of G.T.R. Car No. 330 running out of Hamilton.
9437-1157	Application for protection, Concession Street, Casselman, G.T.R.
9437-1158	Application for protection, Second Street, Casselman, G.T.R.
24619	Application for improved station facilities at Casselman, G.T.R.
24549	Application for flag station between Creston and Duck Creek, B.C., C.P.R.
9437-133	Complaint <i>re</i> dangerous condition of first crossing west of M.C.R. station, Comber, Ont.
24474	Complaint <i>re</i> refusal of A.Q. & W. Ry. to construct a siding at Chandler, Que.
24275	Petition to have C.P.R. train stop at Christie's Crossing, Asphodel County.
4214-126	Inquiry <i>re</i> delivery limits of Express Company, Calgary, Alta.
9994-145	Complaint <i>re</i> fencing and cattle guards along Columbia River, C.P.R.
25662	Application for a siding in the vicinity of Denholm, on C.N.R., Prince Albert Branch.
25749	Application for a siding between Dalmeny and Mennon, C.N.R.
15328	Application of C.P.R. to remove its agent from Devlin, Ont.
23764	Application of C.N.R. to remove its agent from Delmas Station.
22412	Application to remove its agents from D'Arcy, Sask., C.N.R.
27065	Complaint <i>re</i> train service out of Deseronto, C.N.O.
3565-5	Complaint <i>re</i> train service between Dalmeny and Laird, C.N.R.
24326	Application for station agent at Dunlop, Ont., C.P.R.
23725	Complaint <i>re</i> fares charged by Grand Trunk and C.N.R. between Depot Harbor and Parry Sound.
22754	Complaint <i>re</i> refusal of C.P.R. to construct a spur to serve brick yard in the vicinity of Dryden, Ont.
312-3	Application for a siding between Dauphin and Ashville, C.N.R.
20921	Application of G.T.P. to remove diamond at intersection Interurban Railway, 27th Street, Edmonton.
G-2689	Emergency tools in C.V.R. passenger trains running between Montreal and Waterloo.
4205-58	Application of G.T.P. to remove its agent from Eli, Man.
25562	Complaint <i>re</i> train service to and from Empress, C.P.R.
18903-82	Complaint <i>re</i> location of station site at Eunice, Alta., E.D. & B.C. Ry.
18903-76	Application for opening of traffic for a distance of 261.7 miles from Edmonton, E.D. & B.C. Ry
25119	Complaint <i>re</i> closing of station at Ensign, Alta.
24573	Complaint <i>re</i> location of station at Ethelbert, Alta., C.N.R.
21156	Application to carry Kinisto Avenue, Edmonton, under tracks of G.T.P. and C.N.R.
4205-40	Application of C.P.R. to remove its agent from Flower Station, Ont.
25404	Complaint <i>re</i> cancellation of 8 p.m. train from St. Jerome to Montreal, C.P.R.
4205-29	Application of C.N.R. to remove its agent from its station at Fairfax, Man.
18970	<i>Re</i> station facilities at Fort Fraser, B.C., G.T.P.
25320	Complaint <i>re</i> discontinuance of C.N.R. trains Nos. 21 and 22 between Fort Francis and Winnipeg.
25049	Complaint <i>re</i> condition of roadway to elevator and team tracks, Crossfield, Alta., C.P.R.
1519-34	<i>Re</i> protection at Syndicate Avenue, Fort William, G.T.P.

## SESSIONAL PAPER No. 20c

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915—*Continued.*

File Number.	Particulars.
21826-1	<i>Re</i> temporary crossing over C.N.R. tracks leading from highway to Government Electro, Fort William.
G-2443	<i>Re</i> rough handling of C.P.R. train No. 15, Fredericton, Junction.
6715-73	<i>Re</i> transfer tracks between G.T.P. and C.P.R., Frobisher, Sask.
24959	Application for a flag station at Forfar crossing, C.N.R.
24808	Application for a local freight shed on the line of the C.P.R. at Fort William.
22435	Complaint <i>re</i> condition of Empire Avenue, Fort William, G.T.P.
22680	<i>Re</i> facilities at Ribstone on the G.T.P.
22370-45	Application for siding Toronto Sewer Pipe Company, Grand Trunk Railway.
24285	Application for farm crossing (2) in the vicinity of Foster Station, C.P.R.
9437-1141	Application for an alarm bell, County Road No. 11, Wellington County, Fergus, Ont., C.P.R.
G-2263	Complaint <i>re</i> access to C.N.R. tracks at Fallowfield, Ont.
25812	Application for an agent at Gibb, Sask., C.P.R.
4205-61	Application of G.T.P. to remove its agent from Griffin, Sask.
4205-59	Application of G.T.P. to remove its agent from Gregg, Man.
25559	Complaint <i>re</i> train service between Grand Mere and Three Rivers, C.P.R.
4205-38	Application of C.P.R. to remove its agent from Grass Hill, Ont.
3701-150	Complaint <i>re</i> farm crossing Mileage 139-93, C.L.O. & W. Ry.
25668	Complaint <i>re</i> train service to and from Glenora, Man., C.N.R.
25218	Application for a suitable crossing at Garneau Jct. Station, C.N.Q.
25212	Complaint <i>re</i> Grand Trunk train service between Stratford and Palmerston, G.T.R.
24918	Application for a farm crossing, Lot 253, Parish of Pointe du Lac, C.P.R.
17420-1	Complaint <i>re</i> train service, Gross Isle, Man., C.N.R.
24942	Complaint <i>re</i> railway company changing time table without giving sufficient notice to the public.
24604	Complaint <i>re</i> lack of station facilities at Gleaveen, Sask., C.P.R.
25765	Application for station facilities at Hatzic, B.C., C.P.R.
25610	Application for a station agent at, and improved station facilities at Horizon, Sask., C.P.R.
9437-1248	Protection at Regent Street, Hawkesbury, G.T.R.
9437-1247	Protection at crossing, Lot 11-A, West Hawkesbury, G.T.R.
4205-55	Complaint <i>re</i> removal of agent Hemsford, N.S., N. & S.W. Railway.
9437-608	Protection at Main Street and Ferguson Avenue, Hamilton, G.T.R.
4205-45	Complaint <i>re</i> closing of Harrison Mills Station, C.P.R.
4205-49	Application of C.P.R. to remove agent from Hawk Lake.
18181	Application of C.P.R. to remove the agent from Hammond, B.C.
9437-1228	<i>Re</i> condition of crossing over G.T.R. between Lots 9 and 10, Concession 4, Tp. of Hawkesbury.
4205-19	Application of C.N.R. to remove the agent at Howick, Alta.
4205-21	Application of C.N.R. to remove the agent at Homewood, Man.
24752	Complaint <i>re</i> C.N.R. train No. 6 not stopping at Haultain, Sask.
19855-23	Matter of train service between Montreal and Highlands and Adirondack Jct. C.P.R. and N.Y.C.
15259	Complaint <i>re</i> M.C.R. using spur on Railroad Alley, Hagersville, Ont.
24610	Complaint <i>re</i> I.B. & O. Railway not constructing farm crossing in the vicinity of Harcourt.
24736	Complaint <i>re</i> C.P.R. removing spur line Sandy Hook Realty Company.
20981	Unsatisfactory condition of fencing on C.P.R. between Yahk and Kingsgate.
24693	Complaint <i>re</i> overcrowding of passenger cars from Montreal in Southern Counties Railway.
4205-9	Application of C.P.R. to remove agent at Ivry, Que.
19475-4	Complaint <i>re</i> rate on household effects and refusal of railway companies to provide 40-ft. cars.
24747	Complaint <i>re</i> C.P.R. closing the crossing at Isle Cadieux.
24258	Application for approval of aerial tramway over G.T.R., Inglewood.
4214-43	Complaint <i>re</i> facilities for handling fruit from the Niagara District, G.T.R.
4205-15	Complaint <i>re</i> removal of agent from Jeannette Station, C.P.R.
20120	Application for facilities at Junkin, Alta., G.T.P.
22616	Complaint <i>re</i> no water in stockyards at Sudbury, C.P.R.
24310	Complaint <i>re</i> train service, Kootenay Valley Ry.
994-161	Complaint <i>re</i> fencing on Grand Trunk in the vicinity of Maple Lake, Ont.
9437-1165	Complaint <i>re</i> crossing at Ketepec Station, C.P.R.
9437-1166	Complaint <i>re</i> crossing between Ketepec and Acarac, C.P.R.
9437-1202	Complaint <i>re</i> Kingston Road crossing near West Hill, G.T.R.
25231	Complaint <i>re</i> train service, Kerrwood, Ont., G.T.R.
18863-28	Application for farm crossing near Rainy Hills, Alta., C.P.R.
25555	Application to have C.P.R. train No. 21 stop at Kempton.
9437-1249	Complaint <i>re</i> dangerous crossing at Milestone 2-1, Kamloops, C.P.R.
25632	Application for depot unloading platform at Lydden, Sask., G.T.P.
24666	Application for well in stockyards at Landie, Sask., G.T.P.
25585	Application for stockyard and loading platform at Leipsic, Sask., C.P.R.
25512	Application for a flag station at Little River East, A.Q. and W. Ry.

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915—*Continued.*

File Number.	Particulars.
4205-42	Application of C.P.R. to remove its agent from Lavant Station.
25195	Application for an agent at Laval des Rapids, C.P.R.
4205-36	Application of C.P.R. to remove its agent from Lakeside Station, Ont.
21173-1	Complaint <i>re</i> manner C.N.R. handling certain passenger trains between Trenton and Belleville.
25338	Complaint <i>re</i> C.N.R. employing a man as hostler who has not passed examinations.
4205-22	Application of C.N.R. to remove its agent from Laurette Station.
22793	Application of C.N.R. to remove its agent from Ladysmith, Man.
4205-14	Application of C.N.R. to remove its agent from Lavoie Station.
25212	Complaint <i>re</i> train service for school children going to Listowel from stations south thereof, G.T.R.
9437-1211	Matter of protection at Dundas Street crossing, London, Ont., G.T.R.
25146	Application to have C.P.R. train number 2 stop at Larchwood, Ont.
24899	Application for a station agent at Lyndhurst, Ont., C.N.O. Railway.
3565-5	Complaint <i>re</i> train service between Laird and Dalmeny, C.N.R.
24524	Application to construct Ashland Avenue across tracks of G.T.R., London, Ont.
24928	Complaint <i>re</i> Brantford and Hamilton Electric not waiting for passengers at Cainsville.
24803	Application for a station nine miles from Malakawa, B.C., C.P.R.
24821	Complaint <i>re</i> cancellation of C.P.R. trains Nos. 511 and 512 between Lethbridge and Medicine Hat.
24756	Complaint <i>re</i> unsatisfactory service at Courtright, P.M.R.
23938	Complaint <i>re</i> unsatisfactory train service on Irondale and Bancroft Ry. (C.N.R.)
G-2245	Complaint <i>re</i> reduction in train service C.P.R. Lyleton Subdivision.
2142-1	Petition for a roadway to the station at New Sydenham (Leyland Siding), C.N.R.
9437-1138	Application for protection at crossing over C.P.R. tracks to hospital for the insane, London, Ont.
24117	Application for approval of station at Lac Aux Sables, C.N.Q.
9437-1252	Complaint <i>re</i> dangerous crossing in the village of Mona Road, C.P.R.
25751	Complaint <i>re</i> train service, G.T.P., Biggar to Loverna Branch.
25280	Complaint <i>re</i> unsatisfactory train service to and from Milton, Ont., C.P.R.
25602	Application for stock yards at Mitchelton, Sask., C.N.R.
25577	Complaint <i>re</i> condition of platform at Methven Station, C.P.R.
25548	Complaint <i>re</i> condition of flag station at Middleport, Ont., G.T.R.
25487	Complaint <i>re</i> Quebec Oriental Railway placing obstruction near highway, Maria, Que.
25367	Complaint <i>re</i> service on Montreal and Southern Counties Railway.
25481	Complaint <i>re</i> train service between Maynooth and Trenton, C.N.O. Ry.
4205-18	Application of C.N.R. to remove the agent from Mafeking Station.
4205-35	Application of C.P.R. to remove agent from its station at Montrose West.
4205-28	Application of C.N.R. to remove its agent from Margaret Station.
4205-17	Application of C.P.R. to remove its agent from Meadows, Man.
25276	Complaint <i>re</i> train service on C.N.R. at Marchand, Man.
25154	Complaint <i>re</i> lack of scales in stock yard at Melville, G.T.P.
21645	Application for a station agent at Mazeppa, Alta., C.P.R.
24750	Complaint <i>re</i> C.N.R. refusing to provide farm crossing between Mikado and Veregin.
G-2410	<i>Re</i> station facilities at Mimico, Grand Trunk Railway.
24904	Complaint <i>re</i> G.T.R. providing second class accommodation for holders of first-class tickets
G-2379	<i>Re</i> condition of C.N.R. tracks at Mileage 175, Rideau Subdivision.
9437-125	Complaint <i>re</i> alleged dangerous condition of crossing of Main Road between Brockville and Smith's Falls, C.P.R.
9437-1164	Complaint <i>re</i> dangerous condition of crossing at Martinon, N.B., on C.P.R.
1750-91	Application of C.P.R. for approval of clearances on Contractor's Supply Co's Siding, MP. 20, Owen Sound Sub.
24489	Petition asking for better train service at Horningside, Alta., C.P.R.
455-44	Petition to have C.P.R. erect cattle guards through sections 24 and 25, Millet, Alta.
24492	Application to discontinue flag stop at Benson and Ross Spur and Meadows Spur, C.N.R.
24484	Application of C.P.R. to remove its agent from Manvers Station.
24442	Complaint <i>re</i> lack of farm crossing, Q.M. & S. Ry., in the vicinity of La Baie, Que.
1700-73	Application to recover demurrage on car from New York Central before same was placed on G.T.R. tracks
24427	Application for improved train service to and from Maxville, G.T.R.
4205-37	Application of C.P.R. to remove its agent from McAlpine Station.
9994-186	Complaint <i>re</i> C.P.R. erecting a fence in front of certain property in the vicinity of Hartley.
24951	Complaint <i>re</i> seat in passenger coach being occupied by another party during the absence of the original holder.
17913	Application for a siding on G.T.P. at St. Louis, Sask.
5437-1221	Matter of protection at Front Street, C.N. Ry, New Westminster, B.C.
25715	Application for improved station facilities at Nevia, Sask., G.T.P.
25688	Application for a loading platform at Navarre Siding, Alta., C.P.R.



## SESSIONAL PAPER No. 20c

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915.—*Continued.*

File Number.	Particulars.
4205-52	Complaint <i>re</i> removal of agent from Newburg, C.N.O. Ry.
25471	Complaint <i>re</i> station accommodation and train service on C.P.R., Norwood, Ont.
25448	Complaint <i>re</i> train service on G.T.R. between North Bay and Huntsley.
4205-39	Application of C.P.R. to remove its agent from Newtonville.
4205-27	Application of C.N.R. to remove its agent from Neelin, Man.
4205-16	Application of C.N.R. to remove its agent from Norquay, Sask.
3878-578	Complaint <i>re</i> condition of farm crossing, Lot 3, Con. of Montague, C.N.Ry.
23253-1	Application of M.C.R. to construct a spur line over Bender Street, Niagara Falls.
9437-1174	Application of C.P.R. to remove speed restriction at Nipissing.
24691	Application for a site for coal shed, Netherhill, C.N.R.
24652	Application for a crossing between Cons. 15 and 16, Mun. of Neeving, C.P.R.
24233	Complaint <i>re</i> construction of crossing Twentieth Side Line, Mun. of Neeving, C.P.R.
17157-18	Complaint <i>re</i> train service on C.P.R., Swift Current—Southwesterly Branch.
24501	Application for a siding at Nowness, Sask., C.P.R.
16939-5	Enquiry as to trainmen's duty as to taking milk cans off train.
6713-97	Application of C.N.R. for interchange with G.T.R., Ottawa, Ont.
25447	Complaint Ontario Commercial Travellers Association, <i>re</i> proposed change in schedule of G.T.R.
4205-48	Complaint <i>re</i> C.P.R. removing its agent from Oro, Ont.
25096	Complaint <i>re</i> C.P.R. and G.T.R. not furnishing proper facilities for apple facilities.
Case 3050	<i>Re</i> protection at Queen Street West, Grand Trunk, Ottawa.
24193	Complaint <i>re</i> train connections at Orillia, G.T.R.
25703	Application for a station agent at Parkside, Sask., C.N.R.
6713-63	Matter of interswitching between G.T.R. and C.P.R., Port Hope, Ont.
4205-62	Complaint <i>re</i> proposed closing of station at Pointe au Chene as a regular agency, C.P.R.
25563	Complaint <i>re</i> train service between Hardisty and Wilkie on C.P.R.
24099	Application of C.P.R. to close Purple Springs Station as a regular agency.
25379	<i>Re</i> location of Pacific Great Eastern site at Prince George.
25368	Complaint <i>re</i> train service at Glenora, Man., C.N.R.
25176	Application for an agent at Primate, Sask., the year round, C.P.R.
4205-26	Application of C.N.R. to close Pinkham, Sask., as a regular agency.
G-2476	Matter of switching and handling of passenger trains at Port Dover, Ont., G.T.R.
9437-1208	Complaint <i>re</i> dangerous crossing near mill just outside town limits, Port Dover, G.T.R.
22611	<i>Re</i> protection at crossing west end of station grounds, Piapot, Sask., C.P.R.
25115	Complaint <i>re</i> loss of oats in transit from Munster, Sask., C.N.R.
25683	Complaint <i>re</i> alleged discrimination between owners of autos and taxis in connection with conveying passengers to and from C.P.R. depot, Winnipeg, Man.
24710	Application to have G.T.R. restore opening in fence on north side of C.P.R. westbound track, Parkdale, Ont.
24887	Complaint <i>re</i> train service on C.N.R. north of Parry Sound.
24788	Complaint <i>re</i> lack of proper station facilities at Prince, Sask., C.N.R.
11929-1	Complaint <i>re</i> lack of proper crossing at Prince, Sask., C.N.R.
12924-193	Complaint <i>re</i> train service on the C.N.R., Vegreville Branch.
9437-1142	Application to have C.P.R. provide a flagman at Fourth Avenue crossing, Prince Albert, Sask.
23565	Application for a flag station at Range St. Alix, C.P.R. Piles Branch.
25616	Complaint <i>re</i> delay of C.N.R. in hauling live stock at Quebec.
24896	Complaint <i>re</i> unsatisfactory train service between La Tuque and Rivière à Pierre Jct., C.N.Q. Ry.
9437-279	<i>Re</i> protection at Talbot Avenue, Winnipeg, Man., C.P.R.
25393	Complaint <i>re</i> inadequate Sunday train service, Windham, Ont., M.C.R.
25662	Application for a siding on the Denholm-Prince Albert Branch of C.N.R.
25674	Complaint <i>re</i> train service on Wolsley-Reston Branch, C.P.R.
25046	Application for a crossing over line of C.N.R., Martin Street, White Rock, B.C.
23815	Application of C.N.R. to remove the connection between C.P.R. and Winnipeg Joint Terminals, Higgins Avenue, Winnipeg.
22696-3	Complaint <i>re</i> inadequate train service on C.N.R. between Winnipeg and Riverton.
25308	Complaint <i>re</i> train service between Winnipeg and Gypsumville, C.N.R.
23795	Application of C.N.R. to close Wilmar Station as a regular agency.
22720	Application of C.N.R. to close Weldon Station as a regular agency.
4205-20	Application of C.N.R. to close Warren Station as a regular agency.
25268	Application for stock yards at Waseca, Sask., C.N.R.
15350	Application for a station at Waseca, Sask., on C.N.R.
25056	Application of C.P.R. to close its station at Wattsburg, as a regular agency.
3861	<i>Re</i> crossing of C.P.R., Portage Avenue, Winnipeg, Man.
24943	Application to extend Mid-Winter Park crossing over tracks of C.P.R., Winnipeg, Man.
24620	Complaint <i>re</i> condition of roadbed on G.T.R. between Depot Harbour and Parry Sound.
9437-1163	Complaint <i>re</i> level crossing between Westfield and Hillandale, C.P.R.

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915.—*Continued.*

File Number.	Particulars.
688	Complaint <i>re</i> switching and shunting over crossing known as Gravel Road, in the city of St. Thomas, P.M.R.
25752	Complaint <i>re</i> reduction in train service on the G.T.P., Young to Hoey Branch.
25079	Complaint <i>re</i> dispatch of freight from Yarker, Ont., C.N.O.
23219	Application of G.T.R., to construct siding for a Stone Company at Windmill Point.
24402	Complaint <i>re</i> smoke nuisance and noise of train, along river front, Walkerville, Ont., G.T.R.
2494-16	Complaint <i>re</i> condition of cattle guards on C.P.R., near Coleman, Ont.
24215	Application for stock yard and loading chute at Wisetown, Sask., C.N.R.
25732	Petition for stock yards at Vawn, Sask., C.N.R.
22724	Application for an agent at Valor, Sask., C.P.R.
25575	Complaint <i>re</i> unsatisfactory approach to station at Vulcan, Alta., C.N.R.
4205-50	Application of C.N.R. to close Vermilion Bay as a regular agency.
4205-34	Application of C.P.R. to remove agent from Vienna Station.
9437-1190	Application for a subway under G.T.R. at French Road west of Vaudreuil, Que.
9437-1200	Complaint <i>re</i> crossing in the vicinity of Water Street subway, Winnipeg, Man.
Case 3042	<i>Re</i> crossing at Main Street, Vegreville, Alta., C.N.R.
24639	Petition for removal of cattle guards, Vars, Ont., G.T.R.
24671	Complaint <i>re</i> unsatisfactory express service on fruit shipments from the Niagara District.
24585	Complaint <i>re</i> C.P.R. discontinuing station at Victoria Park.
24574	Application for a station at Vera, Sask., G.T.P.
4205-60	Application of G.T.P. to close Uno Station as a regular agency.
25657	Complaint <i>re</i> C.P.R. hauling steel and wooden coaches in the same train.
24082	Application of C.N.R. to remove agent from Underhill Station.
25627	<i>Re</i> delay to shipment of stock from Sinclair on C.P.R.
25628	Complaint <i>re</i> train service at Tilbury, Ont., C.P.R.
25152	Complaint <i>re</i> conditions at Terrebonne, C.P.R.
25526	Complaint <i>re</i> overcrowding of C.P.R. 1.15 p.m. train from Toronto.
4205-41	Application of C.P.R. to close station at Tilley, Alta., as a regular agency.
4205-8	Application of C.P.R. to remove the agent from Tache Station.
45347	Complaint <i>re</i> train service at Lorette and Dufresne, C.N.R.
6713-87	<i>Re</i> interswitching at Trenton between C.O.R., C.P.R. and G.T.R.
9437-704	<i>Re</i> protection at Boyce Avenue, Northern Division, G.T.R., Toronto.
9437-589	<i>Re</i> protection at St. Clair Avenue, G.T.R., Toronto.
22806	Complaint <i>re</i> shunting on Division Street, Trenton, Ont., C.N.O.
22820	<i>Re</i> location of station at Tribune, C.P.R.
23637	Complaint <i>re</i> train service at Cutler, B.C., C.P.R.
9437-1156	Matter of protection at Victoria Street, Tweed, Ont., C.P.R.
24 24	Petition for a station agent at Turtleford, Sask., C.N.R.
24361	Complaint <i>re</i> refusal of C.P.R. to sell seats in sleeping cars after 10 p.m.
9437-1245	Application for protection at crossing at Stevensville, Ont., M.C.R.
25711	Application for station and siding at Parish of St. Viateur, Que., C.P.R.
25482	Application for stock yard at Stanmore, Alta., C.N.R.
20320	Application for the appointment of an agent at Smiley, G.T.P.
4205-57	Application of C.P.R. to remove agent from St. Constant Station.
25590	Application for an agent at Sibbald, Alta., C.N.R.
25518	Application to establish a station at St. Joseph de Sorel, Q.M. & S. Ry.
22902-16	Application for a station at St. Telephore, Que., C.P.R.
25492	Complaint <i>re</i> dismissal of signalman at Sharbot Lake, C.P.R.
4205-44	Application of C.P.R. to close Snow Road Station as a regular agency.
25451	Complaint <i>re</i> change in train service through Similkameen, G.N.R.
18710	Application for a station in the Parish of St. Hermans, C.N.R.
25404	Complaint <i>re</i> cancellation of 8 p.m. train from St. Jerome to Montreal on C.P.R.
4205-12	Application of C.N.R. to remove agent from St. Laurent Station.
16895	Application of C.N.R. to remove agent from Sleemans Station.
25185	Complaint <i>re</i> train service at Starkville, Ont., C.N.O.
1686	<i>Re</i> station and agent at St. Canut, Que., C.N.R.
25161	Request to have C.N.R. train in the morning start from St. Canut instead of St. Jerome.
24472	Complaint <i>re</i> condition of station at St. Felix de Valois, Que.
24635	Application to have C.P.R. stop trains Nos. 13 and 14 at Strathmore.
24594	<i>Re</i> location of C.N.R. station at Stonefield, Que.
24729	Complaint <i>re</i> train service on G.T.R. between St. Marys and Sarnia Tunnel.
9437-1161	Complaint <i>re</i> conditions at crossing between Sagwa and Lingley, N.B., C.P.R.
24670	Complaint <i>re</i> train service Sturgeon Falls, C.P.R.
24495	Complaint <i>re</i> condition of a number of highway crossings on the C.P.R. in the Municipality of Sherwood.
24533	Complaint <i>re</i> train service and connections at Sudbury, C.P.R.
22928	Complaint <i>re</i> lack of agent and telegraph service at Secretan, Sask., C.P.R.
25727	Complaint <i>re</i> unsatisfactory stock train service between Red Deer and Calgary, C.P.R.

## SESSIONAL PAPER No. 20c

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915.—*Continued.*

File Number.	Particulars.
25485	Complaint <i>re</i> train service on Moosejaw-Portal Section, C.P.R.
16305-16	Request to have G.T.P. extend its Moosejaw-North Westerly branch to Riverhurst, Sask.
4205-25	Application of C.N.R. to close Rosebank as a regular agency.
19031	Application of C.N.R. to remove its agent from Ridpath Station.
25120	<i>Re</i> interchange of passengers between N. & N. Ry., and Cumberland Coal Co., Royston, B.C.
24483	Application for a permanent agent at Red Jacket, Sask., C.P.R.
24892	Application of C.P.R. to remove station from Reford to Conquest.
23006	Protest against action of C.P.R. in withdrawing agent from Bittern Lake.
24311	Application for an order directing the C.N.R., and C.P.R., to provide a joint station at Rocky Mountain House.
4214-106	Matter of express delivery limits in the city of Regina, Sask.
19084	Application for a station agent at Ralph, Sask., C.P.R.
21297	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Birds Hill.
12924-44	Application to remove night signalman at interlocking plant, C.N.R., and G.T.P., Camrose.
Case 1919	Application to remove night signalman at interlocking plant, G.T.P., and C.N.R., South Saskatoon.
1795-2	Application to remove night signalman at interlocking plant, G.T.P., and C.N.R., Dana.
10795-1	Application to remove night signalman at interlocking plant, G.T.P., and C.P.R., Neeley.
Case 1918	Application to remove night signalman at interlocking plant, G.T.P., and C.P.R., Deer.
10796-1	Application to remove night signalman at interlocking plant, G.T.P., and C.P.R., Oban.
18036-2	Application to remove night signalman at interlocking plant, C.P.R., and G.T.P., Reford.
14134-6	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Forward.
15832-3	Application to remove night signalman at interlocking plant, C.P.R., and G.T.P., Druid (Dodsland).
Case 1920	Application to remove night signalman at interlocking plant, G.T.P., and C.N.R., Hart.
1804	Application to remove night signalman at interlocking plant, C.N.R., and G.N.R., Minto.
1434	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Hartney.
11395	Application to remove night signalman at interlocking plant, C.N.R., and G.T.P., Riley.
406	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Holfield.
14694	Application to remove night signalman at interlocking plant, C.N.R., and G.T.P., St. Boniface.
14942-18	Application to remove night signalman at interlocking plant, G.T.P., and C.N.R., Leaman.
11071	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Maryfield.
10791-7	Application to remove night signalman at interlocking plant, G.T.P., and C.N.R., Lampman.
10791-2	Application to remove night signalman at interlocking plant, G.T.P., and C.P.R., Griffin.
11837	Application to remove night signalman at interlocking plant, C.P.R., and G.T.P., Yorkton.
10821-7	Application to remove night signalman at interlocking plant, C.P.R., and G.T.P., Alix.
10791-22	Application to remove night signalman at interlocking plant, G.T.P., and C.P.R., Frobisher.
Case 1466	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Morris.
1021	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Findlay.
13975-5	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Conquest.
1519-25	Application to remove night signalman at interlocking plant, C.N.R., and G.T.P., Fort William.
10799-4	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Midale.
2140	Application to remove night signalman at interlocking plant, C.N.R., and G.N.R., Carman.
1803	Application to remove night signalman at interlocking plant, C.N.R., and G.N.R., Wakopa.
12924-3	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Stetler.
2230	Application to remove night signalman at interlocking plant, C.N.R., and G.N.R., Roland.
12476	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Bienfient.
12924-45	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Nightingale.
2578-10	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Rosetown.
11642	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Carlyle.
12924-9	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Dalry.
2450	Application to remove night signalman at interlocking plant, G.T.P., and C.N.R., Parel.
360	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Brookdale (Munroe).
18571	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Carberry.
Case 2229	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Kaiser.
207	Application to remove night signalman at interlocking plant, C.P.R., and C.N.R., Emerson.
15499-25	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Delta Junction.
.....	Application to remove night signalman at interlocking plant, C.N.R., and C.P.R., Methven Junction.
25717	Application to remove night signalman at interlocking plant, G.T.R., and C.P.R., North of Glencoe.



6 GEORGE V, A. 1916

No. 23.—STATEMENT showing Complaints and Applications Referred to the Operating Department for Report, Year ending March 31, 1915—*Concluded*.

File Number.	Particulars.
1420	Application to remove night signalman at interlocking plant, G.T.R., and C.N.O., Mount Albert.
Case 48	Application to remove signalman at interlocking plant, C.N.Q., and Nat. Trans., near Tawachiche, Que.
Case 267	Application to remove night signalman at interlocking plant, C.P.R., and G.N.R., Elm Creek.
1841	Application to remove night signalman at interlocking plant, G.N.R., and C.P.R., Boissevain.
1984	Application to remove night signalman at interlocking plant, G.N.R., and C.P.R., Carroll (Hedron).
2231	Application to remove night signalman at interlocking plant, C.P.R., and G.N.R., Plum-coulee.
2811	Application to remove night signalman at interlocking plant, G.N.R., and G.T.P., Morden.

Total—437.

SESSIONAL PAPER No. 20c

## APPENDIX G.

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS  
FOR CANADA FOR THE YEAR ENDING MARCH 31, 1915.

## TRAFFIC DEPARTMENT.

Name.	Position.	Date of Order in Council.	Salary.
			\$
Hardwell, J.	Chief Traffic Officer.	June 22, 1904.	5,000
Brown, G. A.	Chf. Clk., Traffic Dept.	Oct. 3, 1904.	2,300
McManus, C. E.	Clerk, Traffic Dept.	Aug. 20, 1904.	1,350
Routhier, C. C.	" "	Aug. 14, 1906.	1,350
Lalonde, F.	" "	May 6, 1907.	1,200
Allen, J. S.	" "	May 6, 1907.	1,200
Messinger, H. W.	" "	July 8, 1904.	1,100
Usher, J. R.	" "	May 6, 1907.	1,050
Wainwright, W. R. G.	" "	April 27, 1909.	1,050
Chapman, C. M. B.	" "	April 11, 1907.	950
	Reappointed.	Sept. 24, 1913.	
	(To take effect.	Sept. 1, 1913)	
Harvey, R.	Clerk, Traffic Dept.	Oct. 6, 1911.	900
	(To take effect.	June 12, 1911)	
Brethour, L. L.	Clerk, Traffic Dept.	Dec. 2, 1911.	900
	(To take effect.	June 5, 1911)	
Drum, A. B.	Clerk, Traffic Dept.	Feb. 6, 1913.	850
	(To take effect.	Feb. 1, 1913)	

## ENGINEERING DEPARTMENT.

Mountain, G. A.	Chief Engineer.	June 30, 1904.	5,000
Simmons, T. L.	Asst. Chief Engineer.	Oct. 3, 1904.	3,000
Drury, H. A. K.	1st Asst. Engineer.	June 25, 1906.	13,300
Belanger, A. A.	2nd Asst. Engineer.	May 28, 1910.	2,900
Kerr, A. T.	3rd Asst. Engineer.	Aug. 1, 1911.	13,000
Murphy, J.	Electrical Engineer.	May 15, 1906.	2
Foulds, J. R.	Clerk, Engineers' Dept.	Aug. 14, 1906.	1,100
Wadsworth, E. W.	" "	Sept. 12, 1912.	850
	(To take effect.	Sept. 1, 1911)	
Barber, Miss E. A. H.	Stenographer.	May 8, 1907.	950
McDonald, Miss N.	" "	Oct. 14, 1910.	950
	(To take effect.	June 17, 1910)	
Bliss, Miss M.	Stenographer.	May 29, 1911.	900
	(To take effect.	April 1, 1911)	

## RECORD DEPARTMENT.

Thomson, J. W.	Chief Clerk Records.	Sept. 1, 1904.	1,400
Huband, C. S.	Acting Record Officer.	May 2, 1905.	1,500
Jamieson, W. A.	Clerk, Record Room.	Aug. 14, 1906.	1,100
Langelier, D.	" "	Aug. 20, 1904.	1,050
Martin, J. E.	" "	May 6, 1907.	1,050
Demers, F. R.	Statistical Clerk Records.	Aug. 31, 1906.	1,000
Chambers, D. H.	Clerk, Record Room.	June 29, 1910.	1,000
Lyon, N. B.	" "	May 11, 1911.	950
	(To take effect.	Jan. 1, 1911)	
Carruthers, J. P.	Clerk, Record Room.	Sept. 12, 1912.	900
	(To take effect.	Oct. 1, 1911)	
Edwards, F. A.	Clerk, Record Room.	Oct. 19, 1912.	850
	(To take effect.	July 1, 1912)	
Lajoie, V.	Clerk, Record Room.	Dec. 10, 1912.	850
	(To take effect.	July 1, 1912)	

<sup>1</sup> Includes Living Allowance of \$300 during residence in West.

6 GEORGE V, A. 1916

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS  
FOR CANADA FOR THE YEAR ENDING MARCH 31, 1915.—*Continued.*

SECRETARY'S DEPARTMENT.

Name.	Position.	Date of Order in Council.	Salary.
			\$
Ecclestone, A. E.....	Chf. Clk., Secy's. Dept.....	Aug. 14, 1906..	1,550
Arbick, J.....	Clerk, Secy's Branch.....	May 2, 1905..	1,050
	(To take effect.....)	Dec. 23, 1904..	
Larocque, A.....	Clerk, Secy's Branch.....	Dec. 31, 1908..	1,000
Hollington, P.....	".....	Oct. 19, 1912..	850
	(To take effect.....)	Sept. 1, 1912..	
Timmins, J.....	Clerk, Secy's Branch.....	Feb. 6, 1913..	850
	(To take effect.....)	Sept. 1, 1912..	
Latour, T. D.....	Mailing Clerk.....	Dec. 31, 1907..	850
Bourgault, L.....	Clerk, Secy's Branch.....	Dec. 8, 1913..	800
	(To take effect.....)	Sept. 1, 1913..	
Gamble, Miss C. L.....	Stenographer.....	July 19, 1912..	650
	(To take effect.....)	June 1, 1912..	
MacGuire, Miss E.....	Stenographer.....	July 27, 1912..	650
	(To take effect.....)	July 1, 1912..	
Murphy, Mrs. L.....	Stenographer.....	Jan. 25, 1913..	650
	(To take effect.....)	July 1, 1912..	
Hardy, Miss J.....	Stenographer.....	Sept. 24, 1913..	650
	(To take effect.....)	April 1, 1913..	
Parish, Miss P.....	Stenographer.....	Nov. 21, 1913..	650
	(To take effect.....)	April 1, 1913..	

\* ASSISTANT SECRETARY'S DEPARTMENT.

Primeau, E. A.....	Asst. Secretary for French correspondence, etc.....	May 7, 1904..	3,000
Lapointe, A.....	Accountant.....	May 6, 1907..	1,200
Casey, T. H.....	Clerk, Asst. Secy's Branch.....	Aug. 28, 1909..	950
	(To take effect.....)	Aug. 9, 1909..	
Turcot, Miss A. M.....	Stenographer.....	May 29, 1911..	750
	(To take effect.....)	April 1, 1911..	

OPERATING DEPARTMENT.

Spencer, Geo.....	Chief Oprg. Officer.....	Sept. 24, 1913..	3,600
	(To take effect.....)	Sept. 1, 1913..	
Lalonde, E. C.....	Inspector, Oprg. Dept.....	Aug. 20, 1904..	2,300
Ogilvie, J.....	Mechanical Expert.....	Mar. 4, 1907..	2,300
McCaul, M. J.....	Inspector, Oprg. Dept.....	May 6, 1907..	12,300
Clark, J.....	".....	May 6, 1907..	2,000
Blyth, W. S.....	".....	May 6, 1907..	2,000
Hudson, A. E.....	".....	May 3, 1912..	12,150
Gillett, L. D.....	".....	May 3, 1912..	1,850
Gardiner, J.....	".....	May 3, 1912..	12,150
Harris, T.....	Inspector, Oprg. Dept.....	May 3, 1912..	1,850
Shinnick, J. H.....	".....	Dec. 31, 1909..	12,100
Poulin, A.....	".....	July 23, 1911..	1,300
	(To take effect.....)	April 1, 1911..	
Ward, H. H.....	Chf. Clk. Oprg. Dept.....	Feb. 11, 1911..	1,500
Nelson, E. E.....	Clerk and Sten., Oprg. Dept.....	April 7, 1914..	21,050
	(To take effect.....)	Mar. 1, 1914..	
Britton, T. G.....	Clerk, Oprg. Dept.....	May 6, 1907..	1,050
Dunsmore, T. D.....	Clerk and Sten., Oprg. Dept.....	Oct. 14, 1912..	950
	(To take effect.....)	May 6, 1912..	

<sup>1</sup>Includes Living Allowance of \$300 during residence in West.

<sup>2</sup>Salary paid by Railways and Canals Department.

<sup>3</sup>Died November 25, 1914.

<sup>4</sup>Includes Living Allowance of \$150 during residence in West.



## SESSIONAL PAPER No. 20c

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS  
FOR CANADA FOR THE YEAR ENDING MARCH 31, 1915.—*Continued.*OPERATING DEPARTMENT—*Continued.*

Name.	Position.	Date of Order in Council.	Salary.
			\$
Parker, C. M.....	Clerk and Sten., Oprg. Dept..... (To take effect.....)	Oct. 14, 1912.. Aug. 1, 1912)	850
Beggs, D. A.....	Clerk, Oprg. Dept..... (To take effect.....)	Nov. 27, 1913.. April 1, 1913)	850
O'Connor, Miss G. M.....	Stenographer.....	Dec. 31, 1908..	800
Scroggie, Miss M. H.....	"..... (To take effect.....)	Jan. 25, 1913.. Oct. 1, 1912)	650

## FIRE INSPECTION DEPARTMENT.

Leavitt, C.....	Chief Fire Inspector..... (To take effect.....)	Feb. 22, 1913.. Jan. 1, 1913)	3800
Johnson, H. C.....	Fire Inspector..... (To take effect.....)	Feb. 6, 1913.. Mar. 1, 1913)	1,900
White, R. J.....	Chief Clerk and Sten., Fire Insp. Dept.....	June 29, 1910..	950

## LAW DEPARTMENT.

Blair, A. G.....	Law Clerk.....	Aug. 20, 1904..	3,200'
Larose, Miss R.....	Sten. and Librarian.....	May 2, 1905..	1,000
Fligg, Miss C. L.....	Stenographer..... (To take effect.....)	May 29, 1912.. April 1, 1912)	750

## CHIEF COMMISSIONER.

Richardson, R.....	Secy. to Chief Commissioner and Acting Secy. outside Ottawa.....	April 12, 1905.. May 7, 1904..	2,500
Lewis, Miss L. J.....	Clerk and Stenographer.....		950

## LIBRARIAN.

Mills, James.....	Librarian and Supervising Officer..... (To take effect.....)	July 10, 1914.. Feb. 1, 1914)	3,600
Ross, Miss M. G.....	Stenographer.....	Sept. 11, 1909..	950

## STENOGRAPHERS.

Cameron, Miss E. M.....	Clerk and Stenographer to Comm. McLean	Aug. 20, 1904..	950
Casey, Miss N.....	Clerk and Stenographer to Asst. Chief Comm..... (To take effect.....)	Dec. 31, 1908.. Nov. 1, 1908)	950
Vaughan, Miss M.....	Clerk and Stenographer to Comm. Good- eve..... (To take effect.....)	May 11, 1911.. Feb. 1, 1911)	850

'Includes Living Allowance of \$300 during residence in West.

2Includes Living Allowance of \$150 during residence in West.

3The salary of Mr. Leavitt is \$3,600 per annum; difference paid by the Conservation Commission

6 GEORGE V, A. 1916

PERMANENT STAFF OF THE BOARD OF RAILWAY COMMISSIONERS  
FOR CANADA FOR THE YEAR ENDING MARCH 31, 1915.—*Concluded.*

## MESSENGERS.

Name.	Position.	Date of Order in Council.	Salary.
			\$
Graham, F. D.....	Messenger.....	Oct. 19, 1912..	800
	(To take effect.....)	Sept. 1, 1912)	
Barbeau, E. S.....	Messenger.....	Sept. 11, 1909..	700
Downes, Wm.....	Messenger.....	Oct. 19, 1912..	700
	(To take effect.....)	Sept. 1, 1912)	
Wallace, A. J.....	Messenger.....	Oct. 19, 1912..	700
	(To take effect.....)	Sept. 1, 1912)	

## CAR "ACADIA".

Pile, Wm.....	Cook on Official Car.....		90 per m.
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## REPORTING STAFF.

Butcher, N. R.....	Reporting Contract.....	April 14, 1908..	4,800
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SESSIONAL PAPER No. 20c

## APPENDIX "H."

## REPORT OF FIRE INSPECTION DEPARTMENT.

March 31, 1915.

A. D. CARTWRIGHT, Esq.,  
Secretary, Board of Railway Commissioners,  
Ottawa, Ontario.

SIR,—Herewith I beg to submit the report of the Fire Inspection Department for year ending March 31, 1915, for the tenth annual report of the board.

In general, the work of this department has consisted of the enforcement of General Order No. 107 of those sections of the Railway Act which relate specifically to fire protection. The work has been carried forward along the general lines indicated in previous reports.

## ORGANIZATION.

As in previous years, the work of the department, aside from the head office at Ottawa, has been handled through co-operation with the several Dominion and provincial fire-protective organizations, without cost to the board. Under this arrangement, officials of the various fire-protective organizations acted as officers of the board, as follows:—

Dominion Forestry Branch, ten men, covering lines in the railway belt of British Columbia and forest sections in Alberta, Saskatchewan, Manitoba and Yukon Territory, outside Dominion parks.

Dominion Parks Branch, six men, covering lines in Dominion parks in British Columbia and Alberta.

British Columbia Forest Branch, thirty-two men, covering lines in British Columbia outside the railway belt.

Department of Agriculture of Alberta, four men, handling fire-guard inspection on lines in prairie sections of that province.

Fire Commissioner's office, province of Saskatchewan, one man, handling fire-guard inspection on lines in prairie sections of that province.

Department of Lands, Forests and Mines of Ontario, six men.

Department of Lands and Forests of Quebec, ten men.

Crown Lands Department of New Brunswick, two men.

It has not as yet been found practicable to arrange for co-operation in Nova Scotia.

## RAILWAY FIRE PATROLS.

The plan of fire protection by patrols adopted in 1912 and 1913 was continued, with minor modifications.

Letters prescribing special patrols were issued to the following railway companies: Canadian Pacific Western Lines, Canadian Pacific Eastern Lines, Grand Trunk Pacific, Grand Trunk, Canadian Northern, Great Northern, Edmonton, Dunvegan and British Columbia, Kettle Valley (under construction), Western Canada Power Company, Quebec and Lake St. John, Canadian Northern Quebec, Temiscouata, Esquimalt and Nanaimo, and Victoria and Sidney.

## INSTRUCTIONS TO RAILWAY EMPLOYEES.

Regulation 14 of General Order No. 107, which calls for the issuance of special instructions regarding the reporting and extinguishing of railway fires by railway employees, was generally well observed by railway companies.



6 GEORGE V, A. 1916

## REPORTING FIRES BY RAILWAYS.

Circular No. 133 was issued by the Secretary under date of May 5, 1914, requiring railways to report to the board all fires originating within 300 feet of the track in forested sections. These reports have assisted materially in carrying on the work of the department.

## FOREST FIRE STATISTICS.

The fire season in 1914 was the most serious in many years in Ontario, Alberta and British Columbia and in the western portions of Quebec, dry spells of almost unprecedented severity occurring in both spring and fall. In Nova Scotia, New Brunswick and the eastern half of Quebec the climatic conditions were such that very little trouble from fire was experienced. However, the losses caused by fire over the whole Dominion were considerable, and there is no doubt that the losses along railway lines would have been very much greater had it not been for the preventive measures taken by the railways and by the Dominion and provincial agencies co-operating with them.

The following table shows approximate fire statistics as to forested sections along the principal railways subject to the board's jurisdiction. Statistics are not available as to the agricultural sections. Many incipient fires were extinguished of which the record is incomplete. While the statistics given are not strictly accurate in many cases, they are the best that could be secured.

## RIGHT OF WAY CLEARING.

Notable progress was made by many railways in reducing the fire hazard by clearing up their rights of way. Probably more progress was made in this direction during 1914 than in any previous year. Special attention was given to this feature on lines under construction. In the past, much damage has been done by fires escaping beyond control in connection with railway construction work.

In a few cases, particularly along the Grand Trunk and Canadian Pacific (eastern lines) railways, there was co-operation between the railway company and the owners of adjacent lands, resulting in the disposal of inflammable debris on a narrow strip adjacent to the right of way. The best example of this occurred in Algonquin park, Ontario, where the Provincial Department of Lands, Forests and Mines employed a gang of men and cleared up the inflammable debris along a portion of the Grand Trunk right of way and lands immediately adjacent thereto, the Grand Trunk management bearing one-half the cost. It is expected that this arrangement will be continued in 1915, until the line through the park shall have been covered.

Along the Canadian Pacific line through the Shawanaga Indian reserve in Ontario, the Department of Indian Affairs disposed of inflammable debris on a strip adjacent to the railway, the company having cleared up the right of way independently.

In each of the above cases the department concerned is entitled to much credit for its progressive action. It is, however, important that general provision be made by legislation for the enforced disposal of inflammable debris immediately adjacent to railway lines, on privately owned lands, as well as on crown lands, whether licensed or unlicensed. At the very least, this action should be made effective at an early date in connection with all future cutting operations in forest sections. Such provision would be a measure of only reasonable justice to the railways.

## FIRE GUARDS.

The fire guard requirements for 1914 were very closely similar to those prescribed for 1913, as explained in the ninth annual report. These requirements were made applicable to the Canadian Pacific, Canadian Northern, Grand Trunk Pacific and Great Northern railways in the prairie provinces. The principal features of the 1914 requirements are briefly as follows:—

## SESSIONAL PAPER No. 20c

*Grain stubble lands.*—Guards four feet in width 100 feet from the track to be ploughed by land owners or occupants, payment for same to be made by the railway company at the rate of \$1.75 per lineal mile.

*Fenced grazing land.*—Guards to be ploughed by the company sixteen feet in width, 200 feet from the track, except that old guards previously ploughed at a greater distance are to be maintained. Burning of dry grass outside the right of way not required. Right of the company to enter upon land for the purpose of fire guarding to be subject to refusal of owners or occupant, the company to have the privilege of requesting authority from the board to enter upon such land, if it considers such action necessary.

*Open prairie.*—Guards to be ploughed by the company sixteen feet in width, 200 feet from the track, except that old guards previously ploughed at a greater distance are to be maintained. Dry grass and other unnecessary combustible matter to be burned off between the fire guard and the track. The company to have unrestricted right to enter upon such lands for the purpose of fire guarding.

During the year specific complaints were received as follows:—

*Damage by fire.*—Canadian Pacific 4, Canadian Northern 12, Grand Trunk Pacific 2, total 18. In each case, the complainant was advised that the board has no jurisdiction in connection with damage claims and that recourse should be had through the courts, in case of failure to reach a settlement with the railway concerned.

Failure to construct fire guards, or construction unsatisfactory: Canadian Pacific 3, Canadian Northern 5, Grand Trunk Pacific 1; total 9.

Report by railway company that landowner refuses to permit construction of fire guards in fenced grazing lands: Canadian Pacific 11, Grand Trunk Pacific 22; total 33. In twelve of these cases, the Grand Trunk Pacific requested authority to enter upon the lands in question for the purpose of constructing fire guards, notwithstanding such refusal of the owner. In three of these cases, orders were issued by the board, granting authority for such entrance and construction as requested.

SUMMARY of Fire Guard Construction by Railways in the Province of Alberta,  
Saskatchewan and Manitoba, 1914.

	Great Northern.	Grand Trunk Pacific.	Canadian Northern.	Canadian Pacific.
	Miles.	Miles.	Miles.	Miles.
Length in track, miles.....	162.38	2,152.8	4,541.20	6,313.13
Length in fire guard, miles <sup>1</sup> .....	324.76	4,305.6	9,082.40	12,626.26
Fireguards constructed (shown in fireguard miles)—				
Open Prairie.....	.50	1,240.80	2,346.60	3,970.90
Fenced grazing lands.....	171.50	404.85	387.50	1,374.41
Grain stubble lands.....	80.25	400.60	314.10	2,107.18
Total constructed.....	252.25	2,046.25	3,048.20	7,452.49
Fireguards not constructed (shown in fireguard miles) <sup>2</sup>				
Exemptions.....	53.76	1,442.00	3,368.00	2,276.30
Owner refuses entrance <sup>3</sup> .....		9.30	*	23.00
Land already ploughed <sup>4</sup> .....	2.50	156.90	*	1,410.10
Grain stubble, not fireguarded by owner <sup>5</sup> .....	6.00	547.59	1,118.50	272.48
Miscellaneous other reasons.....	10.25	103.56	*	1,191.89
Total not constructed.....	72.54	2,259.35	6,034.20	5,173.77

\*Total of these items amounts to 1,547.70.

<sup>1</sup>Fireguard mileage is double the track mileage, since the construction of fireguards is required on both sides of the track.

<sup>2</sup>Company exempted from fireguard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

<sup>3</sup>Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fireguards.

<sup>4</sup>Fireguarding unnecessary, because fields already ploughed.

<sup>5</sup>Fire guarding in cultivated land required only where the land owner or occupant would undertake to plough guard at the reasonable price specified by the board.

*Locomotive Fuel.*

Oil fuel is in exclusive use on 477 miles of the Canadian Pacific Railway, on 134 miles of the Esquimalt and Nanaimo Railway, and on 115 miles of the Great Northern Railway, a total of 726 miles, all in British Columbia. In no case has a definite report been submitted of a fire caused by an oil-burning engine in Canada. The Grand Trunk Pacific Railway have announced that during the spring and early summer of 1915, oil-burning engines will be installed on that portion of their lines in British Columbia and Alberta between Prince Rupert and Jasper, a distance of 718 miles. It is expected that this action will materially decrease the danger of fire along this portion of the line. The use of oil fuel is purely voluntary with the railways, and its adoption is dictated altogether by business considerations.

During the past two years, complaints have been received as to fire danger resulting from the use as locomotive fuel of certain classes of western coals. In order to secure expressions of opinion from all concerned, the board issued Circular No. 141, under date of January 25, 1915, containing the suggestion that it might be considered advisable to require a different kind of spark-arresting device on engines using such coals than the standard screen prescribed in Regulation 2 of General Order No. 107. The replies received indicate the need for further investigation, and as a result the situation will be carefully studied during the coming year, in the hope that some solution of the problem may be found that will cause the least possible hardship to all the interests affected. Both the Commission of Conservation and the Mines branch of the Department of Mines are co-operating in the investigation, the latter having assisted materially by making a number of analyses of samples of coal from the mines in question.

*Hearings.*

Upon complaint of the Dominion Forestry branch, the board held a hearing at Edmonton, Alta., on November 20, 1914, at which the Edmonton, Dunvegan and British Columbia Railway was cited to answer for alleged failure to comply with certain requirements of the Railway Act and of General Order No. 107, relative to fire protection. It was shown that the various features of the complaint were, in general, well founded, and judgment was reserved, in order to give the company an opportunity to comply with the various requirements.

On the same date, also at Edmonton, was heard the complaint of the Dominion Forestry branch against the Grand Trunk Pacific Railway for failure to extinguish a fire occurring earlier in the season on the Alberta coal branch of the railway. The board held that the case involved primarily the question of reimbursement of the cost of extinguishing the fire in question; this being a matter over which the board has no jurisdiction, the complainant was advised that recourse should be had through the courts, failing an adjustment direct with the company.

On March 17, 1915, the Canadian Pacific Railway applied to the board for certain modifications of General Order No. 107. Certain changes were asked as to the requirements for fire guard construction in the prairie provinces. The company requested also the elimination of subsection (e) of Regulation 13, General Order No. 107, which places upon railway companies the onus of extinguishing fires occurring within 300 feet of the track, unless in each case a showing shall be made that the company was not responsible for the origin of the fire. The case was set down for hearing at Ottawa, April 6, 1915.

Respectfully submitted,

(Signed) CLYDE LEVITT,

*Chief Fire Inspector, B.R.C.*

The above matters were fully discussed at the hearing held at Ottawa, April 6, 1915, and the application was dismissed (Order No. 141, April 15, 1915), except as the portion relating to the right of railway companies to enter upon fenced private lands for the purpose of ploughing fire guards, notwithstanding the protest of the owner or occupant; as to this portion of the application, judgment was reserved.



## APPENDIX "I."

## "I."

## LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915.

- Abbott—Electrical Transmission of Energy.  
 Abbott—Railway Law of Canada.  
 Abbott—Telephony.  
 Ackworth—Elements of Railway Economics.  
 Actes du Canada et des Provinces non Abrogés par les Statuts Révisés, 1887.  
 Acts of the Provinces and of Canada not Repealed by the Revised Statutes, 1887.  
 Act to Regulate Commerce.  
 Adams—Railroad Accidents.  
 Adams—The Block System.  
 Alabama Railroad Commission Reports, 1909-1910.  
 Alberta Law Reports, 1908-1914.  
 Alberta Statutes, 1906-1914.  
 Allen—Telegraph Cases.  
 American Electrical Cases.  
 American and English Annotated Cases; Digest.  
 American and English Encyclopedia of Law; Supplement.  
 American and English Railroad Cases, Old and New Series; Digest.  
 American Railroad Journal.  
 American Railway Association Proceedings.  
 American Railway Reports.  
 American Reports, Digest.  
 Anderson—Dictionary of Law.  
 Anderson—Index-Digest of Interstate Commerce Laws.  
 Arizona Corporation Commission Reports.  
 Armstrong—Digest of Nova Scotia Reports.  
 Ashe—Electric Railways.  
 Audette—Practice of the Exchequer Court.  
 Auditor General's Reports.  
 Baldwin—American Railroad Law.  
 Barnes—Interstate Transportation.  
 Bartholomew—Air Brakes for Electric Cars.  
 Beach—Law of Railways.  
 Beach—Monopolies and Industrial Trusts.  
 Beach—Railway Digest (Annual).  
 Beal on Bailments.  
 Beal—Cardinal Rules of Legal Interpretation.  
 Beal and Wyman—Railroad Rate Regulation.  
 Beauchamp—Jurisprudence of the Privy Council.  
 Beaudry-Lacantinerie—Droit Civil.  
 Beavan and Walford—Railway Cases.  
 Bell and Dunn—Practice Forms.  
 Belsterling—Digest of Decisions—Transit Privileges.  
 Beullac—Code de Procédure Civile.  
 Bigg—General Railway Acts.  
 Biggar—Municipal Manual.  
 Bird—Digest of British Columbia Case Law.  
 Blakemore—Abolition of Grade Crossings in Massachusetts.  
 Bligh—Ontario Law Index to 1900.  
 Bligh and Todd—Dominion Law Index, 1898.  
 Booth—Street Railways.  
 Boulton—The Law and Practice of a Case Stated.  
 Bouvier's Law Dictionary.  
 Boyle and Waghorn—The Law and Practice of Compensation.  
 Boyle and Waghorn—The Law Relating to Railway and Canal Traffic.  
 Brandeis—Scientific Management.  
 Brassey, Lord—Fifty Years of Progress and the New Fiscal Policy.  
 Brice—Tramways and Light Railways.  
 Brice—Ultra Vires.  
 British Columbia Reports.

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Continued.*

- British Columbia Statutes.  
 British Columbia Year Book.  
 British Ruling Cases.  
 Brockway—Electric Railway Accounting.  
 Broom's Legal Maxims.  
 Browne—Law of Carriers.  
 Browne—The Law of Compensation.  
 Browne's Practice before the Railway Commissioners.  
 Brown, Macnamara and Neville—English Railway and Canal Traffic Cases.  
 Browne and Theobald—Law of Railways.  
 Bullinger—Postal and Shippers' Guide for the United States and Canada.  
 Butterworth—Practice of the Railway and Canal Commission.  
 Butterworth—Railways and Canals.  
 Byer—Economics of Railway Operation.
- California Board of Public Utilities Annual Reports.  
 California Railroad Commission Reports.  
 Calvert—Regulation of Commerce.  
 Campbell—Forest Fires and Railways.  
 Cameron—Supreme Court Practice and Rules, 1913.  
 Canada Gazette.  
 Canada Law Journal.  
 Canada Legal Directory.  
 Canada and Newfoundland Gazetteer.  
 Canada Year Book.  
 Canadian Annual Digest.  
 Canadian Law Review.  
 Canadian Case Law Digest.  
 Canadian Law Times.  
 Canadian Reports, Appeal Cases.  
 Canadian Ten-Year Digest.  
 Car Builders' Dictionary.  
 Carmichael—Law of the Telegraph, Telephone and Submarine Cable.  
 Carter—When Railroads were new.  
 Cartwright's British North America Cases.  
 Cartwright's Canadian Law List.  
 Casson, Ellis and Hutchinson, Jr.—Horse, Truck and Tractor.  
 Century Dictionary and Cyclopedia.  
 Chandler—The Express Service and Rates.  
 Chambers—Parliamentary Guide.  
 Charter of the City of Montreal, with Amendments.  
 Chitty's Archbold's Q. B. Practice.  
 Chitty's K. B. Forms.  
 Clapp—The Navigable Rhine.  
 Clarke and Others—The American Railway.  
 Clarke's Street Accident Law.  
 Clarke—State Railroad Commissions.  
 Clark—Studies in History, Economics and Public Law. Standards of Reasonableness in Local Freight Discriminations.  
 Clements—Canadian Constitution.  
 Clements—Federal Supervision of Railroads.  
 Cleveland and Powell—Railroad Finance.  
 Cleveland and Powell—Railroad Promotion and Capitalization.  
 Clifton and Grunau—A New Dictionary of the French and English Languages.  
 Clifton and Grunau—Technological Dictionary, English, German, French.  
 Clode—Rating of Railways.  
 Colorado Public Utilities Commission Reports.  
 Colson—Abrégé de la Législation des Chemins de Fer et Tramways.  
 Columbia Public Utilities Commission Reports.  
 Commission of Conservation Reports.  
 Commission Telephone Cases.  
 Congdon's Digest of Nova Scotia Reports.  
 Connecticut Public Utilities Commission Reports.  
 Connecticut Railroad Reports.  
 Connors—Report of the Working of American Railways.  
 Constantineau on the De Facto Doctrine.  
 Cooke and Townsend—Transportation.  
 Cooley—The American Railway. Its Construction, Development, Management, and Appliances.  
 Cooley on Taxation.  
 Copnall—A Practical Guide to the Administration of Highway Law.

## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Continued.*

- Cowles—A General Freight and Passenger Post.  
 Coutlee's Digest Supreme Court Reports.  
 Criminal Code.  
 Croswell—The Law Relating to Electricity.  
 Curran—Freight Rates—Studies in Rate Construction.  
 Carrier—Railway Legislation of the Dominion of Canada.  
 Cyclopedia of Law and Procedure. Annotations.  
  
 Dagger—Telephone Systems. The Ontario Telephone Act.  
 Daggett—Railroad Reorganization.  
 Daily Freight Register.  
 Dale and Lehmann—English Overruled Cases.  
 Daniell—Chancery Forms.  
 Darlington—Railway and Canal Traffic Acts.  
 Darlington's Railway Rates.  
 Daviel—Des Cours d'Eau.  
 Denis and White—Water Powers (Commission of Conservation).  
 Denton—Municipal Negligence (Highways).  
 Desbarats—Newspaper Directory.  
 Dewsnup—Railway Organization and Working.  
 Dictionary of Altitudes in Canada.  
 Directory of Railway Officials.  
 Disney's Carriage by Railway.  
 Dixon and Parmelee—Bureau of Railway Economics. The Arguments for and against Train-Crew Legislation.  
 Dodd—Law of Light Railways.  
 Doherty—Liability of Railroads to State.  
 Dorsey—English and American Railroads Compared.  
 Douglas—Development of the Railroads of North America and of Their Control by the State.  
 Douglas—The Influence of the Railroads of the United States and Canada on the Mineral Industry.  
 Drinker's Interstate Commerce Act. Supplement.  
 Droege—Freight Terminals and Trains.  
 Duff—Merchants Bank and Railroad Book-keeping.  
 Dunn—American Transportation Question.  
  
 Eaton—Railroad Operations. How to Know them.  
 Eaton—Handbook of Railroad Expenses.  
 Eddy on Combinations.  
 Edwards—Railway Nationalization.  
 Electric Train Staff Catalogue, Union Switch and Signal Co.  
 Elliott—The A B C of Railroad Signalling.  
 Elliott—The Individual, The Corporation, and the Government.  
 Elliott—Minnesota. The Railways and Advertising.  
 Elliott on Railroads.  
 Elliott on Roads and Streets.  
 Encyclopedia Britannica.  
 Encyclopedia of the Laws of England.  
 Endlich on Statutes.  
 English Law Reports. Digest.  
 English Reports (reprints).  
 English Ruling Cases.  
 Ewart's Digest of Manitoba Law Reports.  
 Exchequer Court Reports.  
 Express Companies—Judgment of the Board.  
 Express Statistics of the Dominion of Canada.  
 Express Statistics in the United States, Interstate Commerce Commission.  
  
 Farnham—Waters and Water Rights.  
 Frye—Civil Engineers' Pocket Book.  
 Fry—Specific Performance.  
 Fuzier-Herman—Code Civil. Supplement.  
 Fuzier-Herman—Répertoire du Droit Français.  
 Fetter—Carriers of Passengers.  
 Finch—Federal Anti-Trust Divisions.  
 Florida Railroad Commission Reports.  
 Floy—Valuation of Public Utility Properties.  
 Forney—Catechism of the Locomotive.  
 Foster—Engineering Valuation of Public Utilities and Factories. -



LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Continued.*

Gear and Williams—Electric Central Station Distributing Systems.  
 Georgia Railroad Commission Reports.  
 Gephart—Transportation and Industrial Development in the Middle West.  
 Gilbert's Street Railway Reports.  
 Gillette's Hand Book of Cost Data.  
 Glen on Highways.  
 Goodeve—Railway Passengers.  
 Gould on Waters.  
 Gray's Communication by Telegraph.  
 Greene on Highways.  
 Grierson's Railway Rates, English and Foreign.  
 Guernsey—Effect of the War on Public Utilities.

Hadley—Railway Transportation.  
 Hadley—Railway Working and Appliances.  
 Haines' American Railway Management.  
 Haines—Railway Corporations as Public Servants.  
 Haines' Restrictive Railway Legislation.  
 Hamilton on Railroad Laws of New York.  
 Hamilton—Railway and Other Accidents.  
 Hamlin's Interstate Commerce Acts Indexed and Digested.  
 Hammond—Railway Rate Theories of the Interstate Commerce Commission.  
 Hardcastle on Statute Law.  
 Hatfield's Lectures on Commerce.  
 Hay, Jr.—The Law of Railway Accidents in Massachusetts.  
 Hayes—Public Utilities, Their Cost New and Depreciation.  
 Hemmeon—History of the British Post Office.  
 Henderson—Ditches and Water Courses.  
 Henderson on Locomotive Operation.  
 Hendrick on Railway Control by Commissions.  
 High on Injunctions.  
 Hitt—Electric Railway Dictionary.  
 Hodges on Railways.  
 Hodgins Dominion and Provincial Legislation.  
 Holmested and Langton—Ontario Judicature Act.  
 Holmested and Langton—Forms and Precedents.  
 Holt on Canadian Railway Law.  
 Hopkins—The Law of Personal Injuries.  
 Hough—Ocean Traffic and Trade.  
 Hudson on Compensation.  
 Hutchinson—Carriers.  
 Hutchinson on Carriers.

Idaho Public Utilities Commission Reports.  
 Illinois Railroad and Warehouse Commission Reports.  
 Illinois State Public Utilities Commission Report.  
 Imperial Statutes.  
 Index of Cases Reported in Law Reports.  
 Index to Interstate Commerce Commission Cases in the Federal Courts, 1887-1914. Division of Indices.  
 Indiana Railroad Commission Reports.  
 Interstate Commerce Commission. Express Rates, Practices and Accounts.  
 Interstate Commerce Commission. Division of Statistics. A Preliminary Abstract of Statistics of Common Carriers, 1914.  
 Interstate Commerce Commission Reports.  
 Interstate Commerce Reports.  
 Ivatts—Railway Management.

Jackman—Freight Rates and Classifications, Express Service, Carriage by Water. (Interstate Commerce).  
 Jacobs' Railway Law of Canada.  
 Jevons—The State in Relation to Labour.  
 Johnson—American Railway Transportation.  
 Johnson—Ocean and Inland Water Transportation.  
 Johnson and Huebner—Railroad Traffic and Rates.  
 Jones—Fur Farming (Commission of Conservation).  
 Jones on Telegraph and Telephone Companies.  
 Joyce on Electric Law.  
 Judson on Interstate Commerce

## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Continued.*

- Kansas Public Utilities Commission Reports.  
 Kent's Index to Cases Judicially Noticed in the Law Reports.  
 Keasbey on Electric Wires.  
 Kent's Digest of Decisions under the Federal Safety Appliance and Hours of Service Acts, 1915.  
 Kerr on Injunctions.  
 Kirkman—The Science of Railways.  
 Knoop on Principles and Methods of Municipal Trading.  
 Lafleur's Conflict of Laws.  
 Lake—Report Major-General Sir P. H. N. Lake.  
 Langelier—Cours de Droit Civil.  
 Langelier—De la Preuve.  
 Langstroth and Stilz—Railway Co-operation.  
 Larombiere.  
 Latimer on Railway Signalling in Theory and Practice.  
 Laurent's Droit Civil.  
 Law Times Reports. Index.  
 Leavitt—Forest Protection.  
 Lefroy's Legislative Power in Canada.  
 Legal News.  
 Leggett on Bills of Lading.  
 Lewis—American Railroad and Corporation Reports.  
 Lewis' Eminent Domain.  
 Lewis—Railway Signal Engineering.  
 Lewis' Sutherland on Statutory Construction.  
 Littré et Beaujeu—Dictionnaire de la Langue Française, avec un Supplément d'Histoire et de Géographie.  
 Los Angeles Public Utilities Board Reports.  
 Louisiana Railroad Commission Reports.  
 Lovell's Compendium.  
 Lovell's Gazetteer of the Dominion of Canada.  
 Lovell's Table of Routes.  
 Lower Canada Jurists.  
 Lower Canada Reports.  
 Lust and Merriam's Digest of Decisions under the Interstate Commerce Act.  
 Lyon on Capitalization. A Book on Corporation Finance.  
 MacBeth on the Rationale of Rates.  
 MacMillan and Gutches—Forest Products of Canada.  
 MacMurchy and Dennison's Canadian Railway Act Annotated.  
 MacMurchy and Dennison's Canadian Railway Cases.  
 MacMurchy and Dennison's Railway Law of Canada.  
 Macnamara's Law of Carriers.  
 Maine Commissioner of Highways Reports.  
 Manitoba Law Reports.  
 Manitoba Public Utilities Commission Reports.  
 Manitoba Statutes.  
 Mann—Massachusetts Railroad and Railway Laws.  
 Manual Railway and Signal Association.  
 Marriott—The Fixing of Rates and Fares.  
 Maryland Bureau of Statistics and Information.  
 Massachusetts Public Service Commission Reports.  
 Massachusetts Railroad Commissioners' Reports.  
 Masters' Supreme Court Practice.  
 Mathieu—Code Civil de la Province de Québec.  
 Mayne on Damages.  
 Maxwell on Statutes.  
 McDermot on Railways.  
 McLean—Georgian Bay Canal.  
 McNicol on American Telegraph Practice.  
 McPherson and Clarke's Law of Mines.  
 McPherson on Railroad Freight Rates in Relation to the Industry and Commerce of the United States.  
 McPherson—Transportation in Europe.  
 McPherson—The Working of the Railroads.  
 Merritt's Federal Regulation of Railway Rates.  
 Mews' Digest of English Case Law.  
 Meyer's British State Telegraphs.  
 Meyer's Government Regulation of Railway Rates.  
 Meyer on Municipal Ownership in Great Britain.

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Continued.*

- Meyer—Public Ownership and the Telephone in Great Britain.  
 Meyer's Railway Legislation in the United States.  
 Michigan Railroad Laws.  
 Michigan Commissioner of Railroads Reports.  
 Mignault.  
 Mills—Our Inland Seas, Their Shipping and Commerce for Three Centuries  
 Minnesota Railroad and Warehouse Commission Reports.  
 Mississippi Railroad Commissioners' Reports.  
 Missouri Railroad and Warehouse Commissioner's Reports.  
 Moulton—Waterways vs. Railways.  
 Montreal Directory.  
 Montreal Law Reports. Digest by Saint Cyr.  
 Montreal Street Railway Company's Annual Report.  
 Moody's Analyses of Railroad Investments.  
 Moody—How to Analyse Railroad Reports.  
 Moore on Carriers.  
 Morris—Railroad Administration.  
 Mossop's Railway Operating Statistics.  
 Mulvey's Canadian Company Law.  
 Murray's English Dictionary.  
  
 National Association of Railway Commissioners. Proceedings. Digest of Federal and State  
 Court Decisions Interstate Commerce Laws, Interstate Commerce Act as amended.  
 Nebraska—Laws Relating to Railroads and other Common Carriers.  
 Nebraska State Railway Commission Reports.  
 Neilson and Twissaday—International Telegraph Convention of St. Petersburg, and the  
 International Telegraph Service Regulations, Lisbon Revision, 1908.  
 Nellis on Street Railroad Accident Law.  
 Nellis on Street Service Railroads.  
 Nelson on The Anatomy of Railroad Reports.  
 Nelson—Interstate Commerce Commission.  
 Nevada Railroad Commission Reports.  
 Nevada Public Service Commission Reports.  
 New Brunswick Board of Commissioners of Public Utilities Report.  
 New Brunswick Equity Reports.  
 New Brunswick Reports.  
 New Brunswick Statutes.  
 Newcombe—Railway Economics.  
 Newcombe's Work of the Interstate Commerce Commission.  
 New Jersey Board of Public Utility Commissioners' Reports.  
 New Jersey Board of Railroad Commissioners' Reports.  
 New Hampshire Public Service Commission Reports.  
 New Hampshire Public Service Classification of Accounts for Electric Utilities, 1914.  
 New Mexico State Corporation Commission Report.  
 New York Public Service Commission Reports, First and Second Districts.  
 New York Public Service Commission, Second District, Abstracts of Reports of Corporations  
 Electrical, Gas, Telegraph, Telephone, Steam, 1913.  
 New York Railroad Commissioners' Reports.  
 Nichol—English Railway and Canal Cases.  
 North Carolina State Tax Commission Report.  
 North Dakota Board of Railroad Commissioners' Report.  
 North West Territories Ordinances.  
 Nouveau Dictionnaire, Anglais-Français et Français-Anglais.  
 Nova Scotia Judicature Act.  
 Nova Scotia Reports.  
 Nova Scotia Statutes.  
 Noyes' American Railroad Rates.  
 Nutt—Technological Dictionary, French, German, English.  
  
 O'Brien's Conveyancer.  
 Official Postal Guide of Canada.  
 Ohio Public Utilities Commission. Uniform Classification of Accounts for electric utilities,  
 effective January 1915.  
 Oklahoma Corporation Commission Reports.  
 Ontario Digest Case Law. Supplement.  
 Ontario Gazetteer and Business Directory.  
 Ontario Law Reports. Index of Cases, 1905-1911.  
 Ontario Law Reports. Digest of Cases, 1882-1887.  
 Ontario Railway Digest.  
 Ontario Railway and Municipal Board Reports.



## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Continued.*

Ontario Reports.  
 Ontario Statutes.  
 Oregon Railroad Commission Reports.  
 Oregon Railroad Commission. Uniform Classification of Accounts for Electric Utilities, Gas Utilities, and Water Utilities.  
 Ottawa Directory.  
 Oxley's Light Railways.

Paine on The Law of Bailments.  
 Paish on The British Railway Position.  
 Parsons on the Heart of the Railroad Problem.  
 Parsons' Railway Companies and Passengers.  
 Patterson's Railway Accident Law.  
 Pease on The Freight Transportation of Trolley Lines.  
 Pennsylvania State Railroad Commission Reports.  
 Pennsylvania Public Service Commission Reports.  
 Pierce's Digest of Decisions under Act to Regulate Commerce.  
 Piggott's Imperial Statutes.  
 Pim—The Railways and the State.  
 Pollock's Bill of Lading Exceptions.  
 Pond on Public Utilities.  
 Poor's Manual of Railroads.  
 Postal Guide of Canada.  
 Pratt's American Railways.  
 Pratt's Canals and Traders.  
 Pratt on German vs. English Railways.  
 Pratt—A History of Inland Transport and Communication in England.  
 Pratt and MacKenzie on Highways.  
 Pratt—Railways and Their Rates.  
 Prentice—Federal Powers over Carriers and Corporations.  
 Prince Edward Island Reports.  
 Prince Edward Island Statutes.  
 Proctor—The Drainage Acts, 1908, Ontario, Manitoba, and British Columbia.

Quebec Law Reports.  
 Quebec Official Reports.  
 Quebec Public Utilities' Commission Reports.  
 Quebec Statutes.

Ripley—Railroads. Finance and Organization.  
 Railways and Canals Reports.  
 Railway Commission Reports.  
 Railway Signal Association Manual.  
 Railway Signal Association Proceedings.  
 Railway Statistics of Canada.  
 Railway Statistics of the United States.  
 Railways in the United States.  
 Ramsay's Appeal Cases.  
 Ramsay and Morin Reports.  
 Rapalje's Digest of American Decisions and Reports.  
 Rapalje and Mack's Digest of Railway Law.  
 Raper on Railway Transportation.  
 Rapports Judiciaires Officiels de Québec.  
 Ray's Negligence of Imposed Duties, Passenger Carriers, Freight Carriers.  
 Redfield on The Law of Railways.  
 Redman's Arbitration and Awards.  
 Redman's Law of Railway Carriers.  
 Reeder—The Validity of Rate Regulations State and Federal.  
 Reese on Ultra Vires.  
 Revue de Jurisprudence.  
 Revue Légale.  
 Revue Trimestrielle Canadienne, 1915.  
 Rhode Island Public Utilities Commission Reports.  
 Richards—Conservation of Men.  
 Richardson & Hook—American Street Railway Decisions.  
 Richards and Soper on Compensation.  
 Ripley—The Railroads and the People.  
 Ripley—Railroads, Rates and Regulations.  
 Ripley—Railway Problems.  
 Robertson on Tramways.

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Continued.*

- Robinson and Joseph's Law and Equity Digest.  
 Roscoe's Nisi Prius.  
 Ross on British Railways.  
 Rover on Railroads.  
 Royal Commission on Industrial Training and Technical Education, Report of the Commissioners.  
 Russell on Arbitration.  
 Russell and Bayley—Indian Railways Act, 1890.  
 Russell's Equity Decisions of Nova Scotia.
- Saskatchewan Reports.  
 Saskatchewan Statutes.  
 Sayings and Writing about the Railways.  
 Schouler's Bailments and Carriers.  
 Scott—Automatic Block Signals.  
 Scott's Law of Telegraphs.  
 Scrutton—Charterparties and Bills of Lading.  
 Sea Fisheries of Eastern Canada (Commission of Conservation).  
 Sellow—Steel Rails, Their History, Properties, Strength and Manufacture.  
 Seton on Decrees.  
 Shaughnessy Before the Interstate Commerce Commission, Long and Short Haul Provisions.  
 Shelton—The Lakes-to-the-Gulf Deep Waterway.  
 Sirey's Code Civil.  
 Smith's Organization of Ocean Commerce.  
 Snyder's American Railways as Investments.  
 Snyder's Annotated Interstate Commerce Act and Federal Anti-Trust Laws.  
 Sourdat.  
 South Carolina Railroad Commission Reports.  
 South Dakota Railroad Commissioner's Reports.  
 Stafford—The Canadian Oyster—Commission of Conservation Report.  
 Statistics of Common Carriers. Interstate Commerce Commission.  
 Statistics of Telegraph Companies in Canada.  
 Statistics of Telephones in the Dominion of Canada.  
 Statuts du Canada.  
 Statuts de Québec.  
 Statutes relating to the City of Toronto, 1894.  
 Stephens' Digest of Highway Cases.  
 Stephen's Quebec Digest.  
 Sterne—Railways in the United States.  
 Steven's Digest of N.B. Reports.  
 Stewart's Index to Dominion and Provincial Statutes.  
 Stickney on The Railway Problem.  
 Streets' Foundations of Legal Liability.  
 Strombeck—Freight Classification.  
 Stroud's Judicial Dictionary.  
 Suffern and Son—Railroad Operating Costs.  
 Supreme Court Reports.  
 Sutherland on Damages.
- Talbot—The Making of a Great Canadian Railway.  
 Talbot and Fort's English Citations.  
 Talbot's Railway Conquest of the World.  
 Taschereau—The Criminal Code.  
 Tascheau's Thèse du Cas Fortuit.  
 Taylor on Evidence.  
 Telephone Cases.  
 Temiskaming and Northern Ontario Railway Commission Reports.  
 Temp. Wood's Manitoba Reports.  
 Territories Law Reports.  
 Texas Railroad Commission Reports.  
 La Thémis.  
 Theoret's Catalogue of Law Books Published in Canada, Great Britain, France, and United States.  
 Theoret's Code de Procédure Civile, Montreal.  
 Thiess and Joy's Toll Telephone Practice.  
 Thompson's Law of Electricity.  
 Thornton's Railroad Fences and Private Crossings.  
 Tiedman's Municipal Corporations in the United States.  
 Toronto Directory.

## SESSIONAL PAPER No. 20c

LIST OF BOOKS IN LIBRARY UP TO MARCH 31, 1915—*Concluded.*

- United States Supreme Court Reports. Digest.  
 Union Switch and Signal Company, Swissvale, Pa. Electric Train Staff Catalogue.
- Van Zile—Bailments and Carriers.  
 Vaughan's Index to the Railway Acts of Canada.  
 Vermont Public Service Commission Reports.  
 Vermont's Public Service Laws compiled from the public Statutes and the Acts of the General Assembly at the Sessions of 1908 and 1910.  
 Virginia State Corporation Commission Reports.
- Waghorn—Traders and Railways.  
 Washington Progress and Prosperity.  
 Washington State Public Service Commission Reports.  
 Webb's Economics of Railroad Construction.  
 Weir's Assessment Law of Canada.  
 Weld's Private Freight Cars and American Railways.  
 Wellington—The Economic Theory of Railways.  
 Wellington's Economical Theory of Railway Location.  
 Weyl's Passenger Traffic of Railways.  
 Whitaker's Almanac.  
 Whitten's Valuation of Public Service Corporations.  
 Wigmore on Evidence.  
 Wilson—Mechanical Railway Signalling.  
 Wilson—Power Railway Signalling.  
 Wilson—Safety of British Railways.  
 Wisconsin Railroad Commission Reports.  
 Wood's Railway Law.  
 Woodfall's Railway and Canal Traffic.  
 Woodlock—Anatomy of Railroad Reports.  
 Words and Phrases Judicially Defined.  
 Wright's Locomotive Dictionary.  
 Wyer's Regulation, Valuation and Depreciation of Public Utilities.  
 Wyman on Public Service Corporations.
- Young's Admiralty Nova Scotia Reports.  
 Yukon Territory Ordinances



6 GEORGE V, A. 1916

## APPENDIX "J."

List of applications subdivided under sections of the Act.

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

## RECORD ROOM.

STATEMENT showing applications made to the Board under the various Sections of the Railway Act, for the Fiscal Year ending March 31, 1915.

Sections of Railway Act.	1914.										1915.		Totals.
	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
Rescinding of Orders, Sec. 29.	5	3	2	5	1	4	3	3	4	4	2	12	48
Rules and Regulations, Secs. 30, 209, 367, 313.		1	1	1									2
Extension of time, Sec. 50.	1	2		8		6	4	5	1	1		1	28
Location of line, Secs. 157, 158.	3	4	7	3	3	2		1	2	7	2	3	37
Route Map, Sec. 157.	1	4		3	3		1				2	1	15
Correction Plans, Sec. 162.									2	1			4
Railway as constructed, Sec. 164.	3	1	4		7	2	5	3	2	2	2	3	34
Deviation of line, Sec. 167.	5	6	5	9	6	6	8	3	1	2	4	3	58
Expropriation of lands, Secs. 172, 191.	19	5	2	4	2	2	3	2	2	2	1		44
Appeals to Supreme Court.								*					2
Branch lines of Railway, Secs. 221, 266.	32	38	34	34	22	21	23	18	11	10	10	14	267
Railway Crossings and Junctions, Secs. 227, 229.	8	5	13	14	14	9	7	2	2	3	1	4	94
Interlocking Appliances, Sec. 227.				1		3	2	2			1	6	23
Highway Crossings, Secs. 235, 243.	72	52	29	63	41	32	25	21	13	21	19	4	392
Highway Diversion, Sec. 237.	11	6	4	5	4	2	5	6	3	8	2	1	57
Protection at Crossings, Sec. 243.	12	3	13	28	15	6	7	7	3	8	10	12	124
Telegraph and Telephone Lines, Sec. 244.			2				1				1		3
Telegraph and Telephone Connections, Sec. 245.	2	3	2					1		1			9
Telegraph Wire Crossings, Sec. 246.					1							11	3
Telephone Wire Crossings, Sec. 246.	1	1	1	2	2	2	2	11	13	2	2		37
Power Wire Crossings, Sec. 246.	1	3	2	3	3	5	2	4		6	9	10	48
Telephone Agreement, Sec. 248.									3				3
Water Pipes, Sec. 250.	2		2	8	5	2	1	3	3	1	1	1	27
Sewers, Sec. 250.		1											3
Culverts, Sec. 250.	2				2	1	1	2				3	11
Farm Crossings, Secs. 252, 263.	1	2	4	3	8	5	2	2	2	2	5	4	40
Cattleguards, Secs. 254, 255.			2	3	1	1	3			1			11



## APPENDIX "K".

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

## RECORD ROOM.

List of cases appealed to the Supreme Court of Canada, February 1, 1904, to March 31, 1915.

File No. 1114.—Montreal Terminal Railway *v.* Montreal Street Railway, Pius IX Avenue Crossing. Appeal from Order of Deputy Chief Commissioner and Commissioner Mills on question of jurisdiction. Appeal allowed.

File No. 1492.—James Bay Railway *v.* Grand Trunk Railway Crossing Belt Line spur. Appeal on question of law. Appeal dismissed.

File No. 383.—Canada Atlantic Railway, Ottawa Electric Railway and city of Ottawa, *re* Bank street subway. Appeal of the Ottawa Electric Railway on question of law. Appeal dismissed.

File No. 588.—*Re* Toronto Union station. A. R. Williams expropriation. Appeal to Supreme Court and then to Privy Council, England, on question of jurisdiction. Appeal dismissed.

File No. 1604.—Case No. 1309.—Robinson *v.* Grand Trunk Railway, two-cent rate. Appeal to the Supreme Court and then to the Privy Council, on question of law. Appeal dismissed.

File No. 689.—Canadian Pacific Railway Company *v.* Grand Trunk Railway *re* branch line, London, Ont., Grand Trunk Railway. Appeal on question of jurisdiction. Appeal dismissed.

File No. 1680.—Essex Terminal and W. E. and L. S. railroad crossing, township of Sandwich. Appeal by the Essex Terminal Railway on question of law. Appeal dismissed.

File No. 1497.—T. D. Robinson and Canadian Northern Railway spur at Winnipeg. Appeal by the Canadian Northern Railway Company on question of jurisdiction. Appeal dismissed.

File No. 9527.—Montreal Street Railway *re* rates Montreal Royal ward. Appeal by the Montreal Street Railway Company on question of jurisdiction. Appeal allowed.

Case No. 4719.—*Re* Agriculture Department, province of Ontario, and Grand Trunk Railway Company, station at Vineland. Appeal by the railway company on question of jurisdiction. Appeal dismissed.

Case No. 3322.—*Re* Toronto viaduct. Appeal by the Canadian Pacific Railway Company on question of law. Appeal dismissed.

Case No. 4813.—*Re* fencing and cattleguards. Order No. 7473. Appeal by the Canadian Northern Railway Company on question of jurisdiction. Appeal allowed in part.

Case No. 4492.—City of Toronto and Grand Trunk Railway and Canadian Pacific Railway Companies, *re* commutation tickets. Stated case to the Supreme Court by the city of Toronto on question of law.

Case No. 3545.—*Re* city of Ottawa and county of Carleton, Richmond road viaduct. Appeal by the county of Carleton on question of jurisdiction. Appeal dismissed.

File No. 13079.—Grand Trunk Railway and Canadian Northern Ontario Railway spur, township of Scarboro. Appeal by the Grand Trunk Railway Company on question of jurisdiction. Appeal dismissed.



## SESSIONAL PAPER No. 20c

Case No. 3269.—Grand Trunk Railway and British American Oil Companies, oil rates. Appeal by the Grand Trunk Railway Company on question of law. Appeal dismissed.

File No. 1519.—Grand Trunk Pacific Railway and Fort William, *re* location. Appeal by the Grand Trunk Pacific Railway on question of jurisdiction. Appeal dismissed.

File No. 11965.—Niagara, St. Catharines and Toronto Railway and Davy. Appeal by the Niagara, St. Catharines and Toronto Railway Company on question of jurisdiction. Appeal allowed.

File No. 9527.—Montreal Street Railway *re* rates, Mount Royal ward. Appeal by the Montreal, Park and Island Railway on question of jurisdiction. Appeal allowed.

File No. 10912.—Application of the Canadian Northern Railway Company to cross certain streets in city of Prince Albert, Sask., and Chas. Macdonald. Not yet heard.

File No. 15580.—Clover Bar Coal Company, Limited, and Wm. Humberstone. The Grand Trunk Pacific Railway Company and the Clover Bar Sand and Gravel Company. Appeal allowed.

File No. 16282.—Regina rate case. Appeal dismissed.

File No. 1487.—Application of E. F. Chambers and W. R. G. Phair in connection with Order of the Board No. 544, dated July 13, 1905, *re* Canadian Pacific Railway location, Molson-St. Boniface branch. Leave to appeal granted.

File No. 17963.—Application of the Grand Trunk Pacific Railway Company for leave to appeal from Judgment of the Board in regard to complaint of A. E. Purcell of Saskatoon, Sask. Appeal dismissed with costs, Judgment being confined to the particular circumstances at Saskatoon.

Case No. 3269.—Application of the Canadian Pacific Railway Company for leave to appeal from Judgment of the Board on question of law, in regard to the British American Oil Company's case. Appeal dismissed with costs.

File No. 15330—15330-1.—Application of the Grand Trunk and Canadian Pacific Railway Companies for leave to appeal upon the question of jurisdiction of the Board, in regard to Order dated May 16, 1911, *re* Canadian Oil Company. Appeal dismissed with costs.

File No. 19435.—Application of the Grand Trunk Pacific Railway Company for leave to appeal from Order No. 16701 of the Board, dated June 4, 1912, authorizing the city of Edmonton to cross with tracks and wires, etc., of its municipality-owned electric street railway, the tracks of the Grand Trunk Pacific Railway Company at 21st street, Edmonton. Appeal dismissed.

File No. 14329-9.—Montreal, Park and Island Railway Company and Montreal Tramways Company, for leave to appeal against Order of the Board No. 17082, dated July 20, 1912, allowing the Lachine, Jacques Cartier and Maisonneuve Railway Company to expropriate lands of the Montreal, Park and Island Railway Company. Still pending.

File No. 20062.—Application of the British Columbia Electric Railway Company from Order of the Board No. 17480, dated October 14, 1912, authorizing the city of Vancouver to construct Hastings, Pender, Keefer and Harris streets across the tracks of the Vancouver Victoria and Eastern Railway and Navigation Company, in the city of Vancouver, B.C. Appeal granted.

## SUMMARY.

Number of cases in which appeal was dismissed. . . . .	18
Number of cases in which appeal was allowed. . . . .	8
Number of cases still pending. . . . .	3

Total number of cases appealed. . . . . 29

LIST OF APPEALS TO THE GOVERNOR IN COUNCIL FROM FEBRUARY 1, 1904 TO MARCH 31, 1915.

File No. 399.—Bay of Quinte railway, crossing Canadian Pacific Railway Company at Tweed, Ont. Appeal to the Governor in Council by the Bay of Quinte Railway Company. Order of the Board set aside and former Order of the railway committee confirmed.

File No. 1455.—James Bay Railway *v.* Grand Trunk Railway Companies, crossing near Beaverton. Appeal of the James Bay Railway Company. Appeal dismissed.

File No. 1780.—*Re* Chatham Street Crossings, Grand Trunk Railway Company. Appeal by the Grand Trunk Railway Company. Appeal dismissed.

File No. 12992.—*Re* Maniwaki Branch of Canadian Pacific Railway Company, starting of trains from Ottawa. Appeal allowed and Case referred back to Board.

File No. 2030.—*Re* Tariffs of certain Yukon Railway. (This was not included in the report.)

File No. 12912.—Park Avenue Subway, town of St. Louis, Montreal, and Canadian Pacific Railway Company. Appeal dismissed in part.

File No. 3452-30.—Application of J. Y. Rochester *re* Cameron Bay and Grand Trunk Pacific Railway Company. Appeal dismissed.

File No. 17040.—Lambton to Western Spur and Canadian Pacific Railway Company. Appeal still pending.

File No. 17716.—Canadian Pacific Railway Company spur (Longue Pointe) through town of Maisonneuve, Que. Appeal dismissed.

File No. 18849—18787.—South Hazelton townsite and Grand Trunk Pacific Railway Company. Appeal allowed.

Case No. 3322.—Toronto Viaduct Case. Appeal dismissed.

File No. 9437-153—12021-70.—Appeal of the Corporation of the city of Toronto from two Orders of the Board, dated June 25, 1912, and numbered respectively, 16842 and 16846 and in the matter of the North Toronto Grade Separation. Yonge street subway. Appeal dismissed.

File No. 19024.—Appeal of Chas. Miller of Toronto, Ont., from the order of the board, dated 14th day of May, 1913, in the matter of the application of the Grand Trunk Pacific Railway Company for approval of the location of the company's station at Prince George, B.C. Appeal dismissed.

File No. 16177.—Appeal of the Canadian Pacific Railway Company from the Order of the Board dated 19th day of February, 1913, in the matter of the application of the Mountain Lumber Manufacturers' Association regarding lumber rates. Appeal withdrawn.

SUMMARY.

No. of cases in which appeal was dismissed. . . . .	9
No. of cases in which appeal was allowed. . . . .	3
No. of cases still pending. . . . .	2
<hr/>	
Total No. of cases appealed. . . . .	14

## APPENDIX "L."

LIST of General Orders and Circulars of the Board for the Year Ending March 31, 1915.

General Order No.	Date.	Subject.
124	April 30th, 1914.....	Draw, or swing, or Bascule bridges over navigable waters.
125	May 30th, 1914.....	Western freight rates.
126	May 28th, 1914.....	Fire reports declared privileged.
127	July 6th, 1914.....	Marker lights on carbooses.
128	July 20th, 1914.....	Safety appliances, rules and regulations.
129	July 22nd, 1914.....	Increased special and competitive freight and express tolls, and suspensions thereof.
130	July 28th, 1914.. .. .	Tariffs for the exclusive use of drawing rooms or compartments in sleeping and parlor cars.
131	July 6th, 1914.....	Locomotive defects.
132	October 2nd, 1914.....	Restoring mixing privileges in connection with car-loads of groceries, dried fruit, and liquors from Eastern Canada points to Western Canada.
133	December 19th, 1914.....	Suspending proposed cancellation <i>re</i> mixed car-loads of groceries, dried fruit, and liquors from Eastern Canada points.
134	January 25th, 1915 .....	Amendment of the standard regulations <i>re</i> tariff for new lines opening for traffic.
135	March 22nd, 1915.....	Rates of freight on news-print paper.
136	March 25th, 1915.....	Form of "release" for carriage of household goods.
137	March 26th, 1915.....	Amendment to express classification for Canada No. 3.
Circular No.		
133	May 5th, 1914 .....	<i>Re</i> fire reports.
134	May 26th, 1914.....	Working time tables.
135	August 21st, 1914.....	Increased tolls for exclusive use of drawing rooms or compartments in sleeping and parlor cars.
136	October 17th, 1914.....	Interpretation of section 4 of order No. 12225 (General Order No. 65), <i>re</i> conductors for light engines.
137	December 2nd, 1914.....	Operation of crossing plants at crossings between steam and electric railways.
138	December 19th, 1914.....	Changes in time-tables.
139	January 13th, 1915.....	Changes in train time.
140	January 22nd, 1915.....	Inspection of locomotive boilers.
141	January 25th, 1915 .....	Spark arresting device for use on locomotives burning non-coking coal.
(Sup. No. 1.)		
141	February 16th, 1915.. .. .	Spark arresting device for use on locomotives burning non-coking coal.

## GENERAL ORDER No. 124.

In the matter of the operation by railway companies subject to the jurisdiction of the board, of draw, or swing, or bascule bridges over navigable waters; and the question of regulations governing the operation. (File No. 10291.)

Upon reading the regulations governing such operation of draw, or swing, bridges over navigable waters other than railway bridges, approved by Order in council dated the 29th of June, 1910, the submissions on behalf of the Department of Marine and Fisheries, and the report and recommendation of the chief engineer of the board; and in pursuance of the powers conferred upon the board under sections 30 and 232 of the Railway Act, and of all other powers possessed by it in that behalf—



6 GEORGE V, A. 1916

It is ordered that the regulations to govern the operation by railway companies within the legislative authority of the Parliament of Canada, of draw, or swing, or bascule bridges over navigable waters, following, be, and they are hereby, approved, namely:

1. Every swing or draw bridge over a navigable water shall be marked at night by a white light on each side of the navigable channel, by white light on each end of the swing protection, and by a lantern surmounting the swing span showing a red light up and down the channel when the passage is closed, and green when the swing is open.

2. In the case of a bascule bridge of any description, it will suffice that a light showing green up or down a channel when the leaf or leaves are lifted, and red when the bridge is closed, be shown from one side or the other of the opening, or, preferably, carried on the end of the leaf. The white lights above described for a swing bridge also to be maintained.

3. The signal to be given by a steamer to have a swing opened shall be two long followed by two short blasts of the whistle.

4. Every swing or draw shall, whenever it is desired to have a vessel pass through the bridge, be in charge of some competent person present thereat, whose duty it shall be, upon being notified by whistle or in any other manner, that a vessel desires to pass through the bridge, to open the same as promptly as possible; and no such vessel shall pass through the bridge until the swing or draw is fully open.

5. Where, as in the case of the Canadian Northern Railway bridge over the Red river at Winnipeg and the freight bridge of the same railway over the Assiniboine river at Winnipeg, traffic is so slight that a bridge is required to be opened not more than once or twice a year, the lights provided for under clauses 1 and 2 of this order are required to be lit at night only when a vessel desires to pass through the swing or draw.

6. The Fraser River bridge, covered by order of the board No. 18626, dated February 6, 1913, and any other bridge covered by special order of the board whose terms differ from this order, shall be exempt from the provisions herein.

(Signed) H. L. DRAYTON,

*Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, April 30, 1914.

#### GENERAL ORDER No. 125.

In the matter of the complaint of the Vancouver Board of Trade alleging discrimination in freight rates by the railway companies operating in the province of British Columbia; and the consideration of the matter of rates for the carriage of freight traffic upon railway lines in Canada west of Port Arthur, Ontario. (File No. 18755.)

Upon the hearing of the matter at various sittings of the board held in the presence of counsel for, and representatives of, the railway companies affected, the Dominion Government, the Governments of the provinces of Saskatchewan, Alberta, and British Columbia, the city of Winnipeg and the Winnipeg Board of Trade, the city of St. Boniface and the St. Boniface Board of Trade, the United Farmers of Alberta, the Canadian Manufacturers' Association, and the Boards of Trade of Montreal, Toronto, Portage la Prairie, Brandon, Regina, Moosejaw, Saskatoon, Prince Albert, North Battleford, Edmonton, Medicine Hat, Calgary, Lethbridge, Nelson, Vancouver, and Victoria, the evidence adduced, and what was alleged, judgment, dated

SESSIONAL PAPER No. 20c

April 6, 1914, was delivered by the Chief Commissioner and concurred in by the other members of the board, a certified copy of the said judgment being attached hereto marked "A."—

It is ordered that the terms of the judgment, which is hereby made part of this order, and the tariff changes therein directed to be made, be complied with and become effective not later than 1st day of September, 1914.

And it is further ordered that, for a period of two years from the date of this order, no rates at present in effect west of Port Arthur, Ontario, be increased without the approval of the board.

(Signed) D'ARCY SCOTT,

*Assistant Chief Commissioner.*

*Board of Railway Commissioners for Canada.*

OTTAWA, May 30, 1914.

#### GENERAL ORDER No. 126.

Whereas by circular of the Board No. 133, dated May 5, 1914, railway companies subject to the jurisdiction of the board were required to submit monthly, in duplicate, reports on fires originating within three hundred feet of the track and burning over an area of one hundred square feet or more outside the right of way.

And whereas application has been made on behalf of the Grand Trunk Railway Company for a declaration by the board that all reports submitted in accordance with the said Circular No. 133 be treated as privileged, not open to the inspection of the public generally, nor copies given to applicants therefor. (File 4741-F, Part 2.)

Upon the reading of what is filed in support of the application—

The Board doth order that the report or reports submitted by Railway Companies in accordance with the said Circular of the Board No. 133, be, and the same is and are, hereby declared to be privileged, and shall only be made public or given out upon application therefor by order of the Board.

(Sgd.) D'ARCY SCOTT,

*Assistant Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, May 28, 1914.

#### GENERAL ORDER No. 127.

In the matter of the putting up and taking down of marker lights on cabooses, and Circular No. 130, dated March 11, 1914, submitted to the railway companies subject to the jurisdiction of the Board. (File No. 13455.2.)

Upon the reading of the replies to the said circular filed by the railway companies, and the report of the Chief Operating Officer of the Board, certain of the railway companies consenting to the adoption of the regulations particularly set out in this order regarding the putting up and taking down of marker lights on cabooses; and in pursuance of the powers conferred upon it by Sections 30 and 269 of the Railway Act, and of all other powers possessed by the Board in that behalf—

6 GEORGE V, A. 1916

It is ordered that cabooses of all railway companies subject to the jurisdiction of the Board be equipped as follows, namely:—

1. Where cabooses are equipped with marker sockets in the lower position, markers shall be carried in such lower sockets.

2. All cabooses hereafter constructed shall be equipped with marker sockets in the lower position.

3. All cabooses now in use not equipped with marker sockets in the lower position, shall be so equipped on or before the 1st day of November, 1914.

(Sgd.) H. L. DRAYTON,

*Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, July 6, 1914.

### GENERAL ORDER No. 128.

In the matter of the General Order of the Board No. 102, dated February 17, 1913, prescribing Rules and Regulations respecting Safety Appliances on trains of railway companies subject to the jurisdiction of the board. (File No. 11654.)

Upon the report and recommendation of the Chief Operating Officer of the Board, and the reading of what is filed on behalf of the Canadian Pacific Railway Company—

IT IS ORDERED that railway companies subject to the jurisdiction of the board be, and they are hereby, granted an extension of time until the 1st day of July, 1916, within which to make the following changes, namely:

(a) To change the location of brakes on all cars to comply with the standard prescribed in the Regulations of the Board, dated February 17, 1913.

(b) To comply with the standard prescribed in the said regulations in respect to all brake specifications contained therein.

(c) To change cars having less than ten inches end ladder clearance within thirty inches of the side of the car, to comply with the said regulations.

(d) To comply with the standard prescribed in the said regulations in respect to hand holds, running boards, ladders, sill steps, and brake staffs, except that when a car is shopped for work amounting practically to rebuilding body of car, it must then be equipped according to standards prescribed in the said regulations.

AND IT IS FURTHER ORDERED that railway companies subject to the jurisdiction of the board be not required to make changes to secure additional end ladder clearance on cars that have ten or more inches end ladder clearance within thirty inches of side of car, or to make the changes in end ladders, side ladders, hand grips and steps which have been made in accordance with the provisions of section 264 of the Railway Act and the General Order of the Board No. 102, or to comply with the regulations of the board aforesaid, until the car is shopped for work amounting to practically rebuilding body of car, at which time such changes must be made to comply with the standards prescribed in the said order.

And it is further ordered that railway companies be not required to change the location of hand holes (except end hand holes under end sills), ladders, sill steps, brake wheels, and brake staffs, on freight train cars where the appliances are within three inches of the required location, except that when cars undergo regular repairs they must then be made to comply with the standards prescribed in the said regulations.

(Sgd.) H. L. DRAYTON,

*Chief Commissioner.*

*Board of Railway Commissioners for Canada.*

OTTAWA, July 20, 1914.



SESSIONAL PAPER No. 20c

## GENERAL ORDER No. 129.

In the matter of increased special and competitive freight and express tolls, and suspensions thereof. (File No. 24318.)

In pursuance of the powers conferred upon the board by sections 26 and 348 of the Railway Act, and of all other powers possessed by it in that behalf:

Upon the recommendation of the Chief Traffic Officer of the board—

It is ordered as follows, namely:

1. No toll contained in any special or competitive freight or express tariff referred to in subsections 3 and 4 of section 326, and subsection 2 of section 348 of the Railway Act, shall be advanced until it has been in force for at least thirty days:

Provided that when a special or competitive freight or express tariff contains a notice that any reduced toll shown therein will expire upon a given date, which date shall not be less than thirty days from the date upon which the said reduced toll becomes effective, the said notice shall be considered to comply with subsection 3 of section 328 of the Railway Act, as amended by section 11, 1-2 George V, chapter 22.

2. Except of its own motion, or on special grounds advanced, the board will not ordinarily suspend, or postpone the effective date, of any tariff, or any supplement to a tariff, or any particular rate, or rule, or regulation of the carriers subject to its jurisdiction, which directly, or in effect, increases the charge to be paid for the same similar service, unless an application for suspension, or postponement, is received by the board at least fourteen days before the date when the charge complained against is published to become effective; such application to give the "C.R.C." number of the schedule, and the items thereof complained against.

(Signed) D'ARCY SCOTT,

*Assistant Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, July 22, 1914.

## GENERAL ORDER No. 130.

In the matter of the tariffs filed by certain railway companies, requiring additional railway tickets for the exclusive use of drawing rooms or compartments in sleeping and parlour cars; and the Order of the Board No. 21413, dated February 27, 1914, suspending the said tariffs pending investigation by the Board. (File No. 9451.)

Upon the hearing of the matter at the sittings of the Board held in Ottawa, March 17, 1914, in the presence of Counsel for the Canadian Pacific, Grand Trunk, Ottawa and New York, and Canadian Northern Railway Companies and the Michigan Central Railroad Company, and what was alleged—

It is ordered that the following schedules, in so far as their purpose is to increase the tolls previously charged for the said accommodations locally between points both of which are in Canada, be, and they are hereby, disallowed, namely:

Boston and Maine Railroad Company's Tariff, C.R.C. No. 233.

Canadian Pacific Railway Company's Tariff, C.R.C. No. E-2410.

Canadian Pacific Railway Company's Tariff, C.R.C. No. W-1592.

Central Vermont Railway Company's Tariff, C.R.C. No. 378.

Grand Trunk Railway Company's Tariff, C.R.C. No. E-1989.

Grand Trunk Pacific Railway Company's Tariff, C.R.C. No. 317.

Great Northern Railway Company's Supplement No. 9 to Tariff C.R.C. No. S-3.

6 GEORGE V, A. 1916

Main Central Railroad Company's Tariff, C.R.C. No. 158.

Michigan Central Railroad Company's Tariff, C.R.C. No. 1895.

Rutland Railroad Company's Tariff, C.R.C., No. 525.

New York Central and Hudson River Railroad Company's Tariff, C.R.C. No. 820.

Toronto, Hamilton and Buffalo Railway Company's Tariff, C.R.C. No. 935.

Wabash Railroad Company's Tariff, C.R.C. No. 818 and Supplement No. 1 thereto.

And it is further ordered that, on the receipt of this Order, the said companies forthwith and by lawful notice publish and file schedules giving effect thereto.

(Sgd.) D'ARCY SCOTT,

*Assistant Chief Commissioner,**Board of Railway Commissioners for Canada*

OTTAWA, July 28, 1914.

## GENERAL ORDER No. 131.

In the matter of locomotive defects, and Circular No. 127, dated February 24, 1914, submitted by direction of the board to railway companies under its jurisdiction for their consideration and report.

(File No. 21351.)

Upon the reading of the replies to the said circular, filed by the railway companies, and the reports of the operating officers of the board, the railway companies, after various meetings and discussions, consenting to the adoption of the regulations particularly set out in this order regarding locomotive defects; and in pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act, and of all other powers possessed by the board in that behalf—

It is ordered that the locomotive engines of railway companies subject to the jurisdiction of the board be not allowed to leave terminals, or to be used at terminals in traffic service, on which any of the following defects exist, namely:—

1. *Steam leaks.*—Steam leaks from any part of the locomotive which render it impossible for engineer to see signals in sufficient time to enable him to bring his train to a stop within the required distance.

2. *Air brakes.*—Air brakes on locomotives or tenders not in serviceable condition.

3. *Wheel defects.*—Locomotives with steel or steel-tired leading engine truck wheels, leading or trailing driving wheels, or tender wheels with flanges worn  $\frac{1}{16}$  below M.C.B. wheel defect gauge for cars of less than 80,000 pounds capacity.

Locomotives with cast-iron engine truck wheels and cast-iron wheels under tender weighing over 130,000 pounds, with flanges worn  $\frac{1}{16}$  below M.C.B. defect gauge for cars of 80,000 pounds capacity, or over.

Locomotives with cast-iron wheels under tender weighing 130,000 pounds, or less, with flanges worn  $\frac{1}{16}$  below M.C.B. defect gauge for cars of less than 80,000 pounds capacity.

Locomotives with truck or tender wheels having shelled out or flat spots over  $2\frac{1}{2}$  inches long, or so numerous as to endanger the safety of the wheel.

Steel tires on locomotives worn hollow  $\frac{3}{8}$  inch in depth, or which are worn below safe limit of thickness. Railway companies to file with the board their standard limit of thickness of tires on all classes of locomotives, for approval.

Flat or shelled out spots on locomotive driving wheels 3 inches long.

## SESSIONAL PAPER No. 20c

4. *Springs*.—Locomotives with defective springs on any part of locomotive or tender which are unable to carry their respective weights when locomotive is standing.

And it is further ordered that the said railway companies be, and they are hereby required, on or before the first day of January, 1915, to equip their locomotives with double windows in the front of the cabs during the winter season, November 1 to April 30; the same to be made air-tight.

D'ARCY SCOTT,

*Assistant Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, July 6, 1914.

## GENERAL ORDER No. 132.

In the matter of the complaints of the Montreal, Toronto, Hamilton and Edmonton Boards of Trade, the Shippers' Section of the Winnipeg Board of Trade, the Ontario Wholesale Grocers' Guild, the British Columbia Wholesale Grocers' Exchange, the Retail Merchants' Association of Canada (Saskatchewan Provincial Board), the Wholesale Grocers of Regina, the Dominion Wholesale Grocers' Guild, and Balfour, Smye & Company, against the cancellation of mixing privileges in connection with carloads of groceries, dried fruit, and liquors from Eastern Canada points to points in Western Canada. (File No. 18755-21.)

Upon the hearing of the matter at the sittings of the board held in Montreal, September 24, 1914, in the presence of counsel for the Canadian Northern, Grand Trunk, Grand Trunk Pacific, and Canadian Pacific Railway Companies, the Montreal and Toronto Boards of Trade, the Montreal Liquor Association, Balfour, Smye & Company, Eby, Blain & Company, the Wholesale Grocers' Guild, and Law, Young & Company being represented at the hearing, and what was alleged:—

It is ordered that the railway companies which, immediately before September 1, 1914, had in effect by tariffs filed with the board arrangements whereby mixed carloads of groceries, classifying fifth class in straight carloads, and dried fruits classifying 4th class in straight carloads, also foreign and domestic liquors in mixed carloads, were carried in each case at the carload rates applicable to each commodity respectively to destinations west of and including Port Arthur, Ont., publish and file tariffs restoring the said arrangements and making them effective from and including September 1, 1914, until otherwise ordered by the board, the said arrangements having been abolished by tariffs published and filed by the following railway and railroad companies, and numbered as follows, namely:—

Algoma Central, C.R.C. 251.

Boston and Maine, C.R.C. 1532, 1533, 1537, and 1542.

Canadian Northern, C.R.C. W. 794, W. 789, W. 812, W. 813, and E. 485.

Canadian Pacific, C.R.C. W. 1953, W. 1959, W. 1973, W. 1979, E. 2843, E. 2844, and E. 2845.

Central Vermont, C.R.C. 962, 964, 965, and 968.

Chatham, Wallaceburg and Lake Erie, C.R.C. 331, 332, 334, and Supplement 1 to 324.

Dominion Atlantic, C.R.C. 421, 422, and 424.

Essex Terminal, C.R.C. 236, 238, 239, and 241.

Grand Trunk, C.R.C. E. 2958, E. 2959, and E. 2977.

Grand Trunk Pacific, C.R.C. 23, 24, 36, and 41.



6 GEORGE V, A. 1916

Great Northern, C.R.C. 1049, 1064, 1066, Supplement 13 to 925, and Supplement 3-A to 1019.

Hull Electric, C.R.C. 32 and 33.

Michigan Central, C.R.C. 2246, 2247, 2249, and Supplement 2 to 2200.

Midland of Manitoba, C.R.C. 44 and 47.

New York Central and Hudson River, C.R.C. 3179, 3180, 3183, and 3190.

Ottawa and New York, C.R.C. 1028, 1031, 1033, and 1036.

Pere Marquette, C.R.C. 1789, 1790, 1792, Supplement 8 to 1445, Supplement 6 to 1475, and Supplement 14 to 1041.

Quebec, Montreal and Southern, C.R.C. 503, 504, 506, and 510.

Quebec Railway, Light and Power, C.R.C. 73 and 74.

Schomberg and Aurora, C.R.C. 87, 88, and 92.

Thousand Islands, C.R.C. 250, 251, and 254.

Toronto, Hamilton and Buffalo, C.R.C. 972, 973, and 976.

Wabash, C.R.C. 806, 807, and 809.

Windsor, Essex and Lake Shore Rapid, C.R.C. 143, 144, 146, and 147.

(Sgd.) D'ARCY SCOTT,

*Assistant Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, October 2, 1914.

#### GENERAL ORDER No. 133.

In the matter of the proposed cancellation on the 1st day of January, 1915, of the arrangements whereby mixed carloads of foreign and native liquors, and mixed carloads of groceries, classified 5th class in straight carloads, and dried fruits, classified 4th class in straight carloads, are carried at their respective carload rates between points west of and including Port Arthur, and thereto from eastern shipping points. (File No. 18755.21.)

Upon hearing the matter at the sittings of the board held in Toronto, December 12, 1914, the Toronto Board of Trade, the Montreal Board of Trade, the Hamilton Board of Trade, and other parties interested being represented at the hearing, and what was alleged; and upon reading the submissions filed:—

It is ordered that the proposed cancellation of the said arrangements be, and it is hereby, suspended until further order of the board.

(Sgd.) H. L. DRAYTON,

*Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, December 19, 1914.

#### GENERAL ORDER No. 134.

In the matter of the amendment of the standard regulation of the board as to the opening of new lines, so as to provide that, in addition to filing the Standard Mileage Tariff applicable to traffic on the portion of the railway to be opened, the appropriate special tariffs also be filed. (File No. 25343.)

Upon hearing the matter at the sittings of the board held in Ottawa, January 5, 1915, the Canadian Pacific, the Grand Trunk, the Canadian Northern, and the Grand

## SESSIONAL PAPER No. 20c

Trunk Pacific Railway Companies being represented by counsel at the hearing, and what was alleged

It is ordered that railway companies subject to the jurisdiction of the board making application to open for traffic under section 261 of the Railway Act (as distinct from obtaining, under subsection 7, as amended, of the aforesaid section, leave to carry traffic where, because of the needs of settlers or other urgent condition, public convenience will be served thereby) be, and they are hereby, required, before opening for the carriage of traffic any extensions of their existing railway systems west of lake Superior, to publish and file the appropriate supplementary special class or "town" tariffs, mileage commodity tariffs, and special tariffs on grain to the lake Superior terminals, and on lumber from British Columbia, as these may be applicable to the territories to be served by the said new lines, in addition to the standard mileage tariffs therefor.

(Signed) H. L. DRAYTON,

*Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, January 25, 1915.

## GENERAL ORDER No. 135.

In the matter of the complaint of the Middle West Federated Boards of Trade, on behalf of the *Sun* Publishing Company of Brandon, Manitoba, complaining that the rates charged by the Canadian Pacific Railway Company on newsprint paper from Ottawa and other eastern shipping points to Brandon, as compared with the rates charged to Winnipeg, unjustly discriminate in favour of Winnipeg and against Brandon. (File No. 24602.)

Upon hearing the application at the sittings of the board held in Brandon on the 25th day of June, 1914, the applicants and the Canadian Pacific Railway Company being represented at the hearing, and what was alleged; and upon reading the report of the Chief Traffic Officer of the board—

It is ordered as follows, namely:

1. That the through rates of freight on newsprint paper, in carloads of 40,000 pounds minimum weight, from the points of shipment thereof, by the all-rail route, to the Canadian points of consumption west of Fort William, be made by the addition to the fifth-class published tariff rates from Port Arthur and Fort William of the following special arbitraries for the purposes of this order, namely:

From Sault Ste. Marie, Ontario.. . . .	15	cents	per 100 pounds.
From Espanola, Ontario.. . . .	15	"	"
From Sturgeon Falls, Ontario.. . . .	15	"	"
From Merritton, Ontario.. . . .	25	"	"
From Ottawa, Ontario.. . . .	25	"	"
From Hull, Quebec.. . . .	25	"	"
From Windsor Mills, Quebec.. . . .	25	"	"
From Shawinigan Falls, Quebec.. . . .	25	"	"
From Grand Mere, Quebec.. . . .	25	"	"

2. That other points of shipment of newsprint paper east of Sault Ste. Marie (if any) be added to those named above at through rates appropriate to these herein prescribed.

3. That the said through rates be published and filed to take effect not later than the 15th day of April, 1915.

(Signed) H. L. DRAYTON,

*Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

OTTAWA, March 22, 1915.

6 GEORGE V, A. 1916

## GENERAL ORDER No. 136.

In the matter of the application of the Canadian Freight Association on behalf of railway companies subject to the jurisdiction of the Board, under Section 340 of the Railway Act, for an Order approving a new form of "Release" in connection with the carriage of household goods, on file with the Board under file No. 23507.

Upon reading what is filed in support of the application, and the report of the Chief Traffic Officer of the Board—

It is Ordered as follows, namely:—

1. That the said form of "Release," being a form of special contract limiting the liability of the carrier in respect of the carriage of the undermentioned traffic, on file with the Board under the said file No. 23507, be, and it is hereby, approved as amended by the Board; the said form being in the terms following, namely:—

## "SPECIAL CONTRACT.

.....Railway Company.

LIMITATION OF RESPONSIBILITY IN CONNECTION WITH THE  
CARRIAGE OF HOUSEHOLD GOODS, FURNITURE AND SETTLERS'  
EFFECTS (ALL SECOND-HAND).

Consignee and Destination.	Description of Articles.

In consideration of the.....Railway Company  
and its connecting carriers receiving the above mentioned property for carriage from  
.....station, consigned to.....  
at.....station, at a lower rate than the said  
Company and its connecting carriers might otherwise lawfully charge and be liable  
for injury to or loss of the said goods and property, or any of it, the said lower and  
the higher rates being as provided for in the Canadian Freight Classification, or  
current special tariffs, I do hereby undertake that no claim in respect of injury to, or  
loss of the said property, or any of it, will be made against the said company and its  
connections, or any of them, exceeding the amount of ten dollars (\$10.00) for any one  
of the packages and its contents, or any one article not enclosed in a package, whether  
such injury or loss is occasioned by the negligence of the said company, its connec-  
tions, or any of them, or its or their servants or agents, or any of them, or otherwise  
howsoever.

.....  
Shipper."

2. That all railway companies under the jurisdiction of the Board be, and they are hereby, directed to discontinue the use of their present forms of "Release" limiting their liability with respect to the carriage of the property referred to in Section No. 1, of this Order, and to substitute therefor the form herein prescribed until otherwise ordered by the Board.



## SESSIONAL PAPER No. 20c

3. That the Canadian Freight Classification, also, if necessary, any special tariffs affected by these provisions, be amended so as to conform to this Order.

(Sgd.) H. L. DRAYTON,

*Chief Commissioner,  
Board of Railway Commissioners for Canada.*

OTTAWA, March 25, 1915.

## GENERAL ORDER No. 137.

In the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the jurisdiction of the Board, for approval of a proposed amendment to the Express Classification for Canada, No. 3, providing a rating for storage batteries charged with acid, and conditions of carriage thereof, the acceptance by the express companies of such batteries being prohibited by the present classification; and on the application of Death & Watson, Limited, of Toronto. (File No. 4397-19.)

Upon reading what is filed in support of the application, and the report and recommendation of the Chief Traffic Officer of the Board—

It is ordered that the proposed amendment to the said Express Classification for Canada No. 3, as follows, namely:—

“Batteries, storage, to be charged at ‘Merchandise’ rates.

If empty, the batteries must be boxed or crated.

If charged with acid, the batteries must be placed in a strong wooden box and surrounded and covered by excelsior or other porous material that will not be attacked chemically by the liquid, and in quantity sufficient to absorb and hold all of the liquid contained therein.

Batteries must be packed with filling holes up.

The outside box should be so constructed, with projecting sides and ends with gable top, that it cannot be placed in any other than an upright position, and cannot be stood on side, end, or top.

On the outside container must be placed a white label, reading:—

## NOTICE.

*Handle carefully.*

ACID.

Do not load with inflammables  
protected by yellow labels.

Shipper's name.”

be, and it is hereby, approved.

(Sgd.) H. L. DRAYTON,

*Chief Commissioner,  
Board of Railway Commissioners for Canada.*

OTTAWA, March 26, 1915.

6 GEORGE V, A. 1916

## CIRCULAR No. 133.

OTTAWA, May 5, 1914.

*File 4741-F, Part 2, Re Fire Reports.*

I am directed to advise you that in view of the replies received to Circular No. 132, the Board has decided to request railway companies to submit monthly, in duplicate, reports on fires originating within three hundred feet of the track and burning over an area of 100 square feet or more outside the right of way. It is understood that the submission of such reports shall be limited to lines or portions of lines to be broadly classified as running through forest sections. The information to be furnished as to each such fire is as follows:

Date	Subdivision	Mileage
Time discovered	by whom	
Means taken to extinguish		
How far from track did fire start		
In what did fire start (as grass, old stump, old log, etc.)		
Probable cause of fire		
Area burned over:		
Grass or cultivated land.....		acres.
Young forest growth .....		acres.
Timber .....		acres.
Slashing or old burn not reforesting.....		acres.
Total area burned .....		acres.

Character and amount of other property destroyed.....

The prompt submission of reports in accordance with the above is requested. Such reports should be submitted direct to the Chief Fire Inspector of the Board at Ottawa, or to such local officers of the Board as may be specified by the Chief Fire Inspector. The question as to the lines or portions of lines to be covered by these reports will be determined by the Chief Fire Inspector, who will communicate directly with the railway companies regarding this matter.

Yours truly

A. D. CARTWRIGHT,  
*Secretary B.R.C.*

## CIRCULAR No. 134.

OTTAWA, May 26, 1914.

*File No. 7179. Working Time Tables.*

I am directed to call attention of the railway companies subject to the board's jurisdiction to the necessity of filing with the commission working time tables, and to ask that your company arrange to send to the board's chief operating officer three copies of each working time table or supplement thereto at the time of its going into effect.

By order of the board,

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## CIRCULAR No. 135.

OTTAWA, August 21, 1914.

*File No. 9451. Increased Tolls for exclusive use of Drawing Rooms or Compartments in Sleeping and Parlour Cars.*

General Order of the Board No. 130, dated the 28th day of July, 1914, disallowed increased tolls for the exclusive use of drawing rooms or compartments in sleeping and parlour cars, locally between points both of which are in Canada.

The railway companies are required to show cause in writing on or before the 7th day of September, 1914, why the same action should not be taken as to the Canadian portion on international movements.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 136.

OTTAWA, October 17, 1914.

*File No. 1750.10. Interpretation of Section 4 of Order No. 12225 (General Order No. 65), re Conductors for Light Engines.*

The attention of the board having been called to different interpretations put upon section 4 of Order No. 12225 (General Order 65), it is ruled:—

That in the case of the movement of a light engine, or two or more light engines coupled, for a distance greater than twenty-five miles, when the movement is either on a single track or against the current of traffic on a double track, the word "conductor" as used in section 4 of Order 12225 (General Order No. 65), shall mean one regularly appointed for service as a conductor and possessed of the qualifications set out under subsection "b" of section 6 of the aforesaid order.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 137.

OTTAWA, December 2, 1914.

*File 25177, Operation of Crossing Plants at Crossings between Steam and Electric Railways.*

At the sittings of the board to be held in the City Hall, Toronto, Ontario, on Friday, December 11, 1914, commencing at ten o'clock in the forenoon, railway companies subject to the jurisdiction of the board will be required to speak to the question as to why in the case of a steam railway crossing an electric railway, where there is a heavy movement by the electric railway and only an infrequent movement by the steam railway, the employees on the train of the steam railway should not operate the plant when desiring to make a crossing, leaving it normally clear for the electric railway.

By order of the board.

A. D. CARTWRIGHT,

*Secretary, B.R.C.*



6 GEORGE V, A. 1916

## CIRCULAR No. 138.

OTTAWA, December 19, 1914.

*File 24942. Changes in Time-tables.*

At the sittings of the board to be held in the Central Station Building, Ottawa, Ontario, on Tuesday, January 5, 1915, commencing at ten o'clock in the forenoon, railway companies subject to the jurisdiction of the board will be required to speak to the question of having public time-tables printed and distributed for the public notice ten days before the same take effect, and to furnish the board with copies of working time-tables, or notices of cancellation of trains seven days prior to effective date.

By order of the board.

A. D. CARTWRIGHT,  
*Secretary, B.R.C.*

## CIRCULAR No. 139.

OTTAWA, January 13, 1915.

*File 24942. Changes in Train Time.**To all Railway Companies subject to the jurisdiction of the Board*

At a conference of the representatives of the railway companies and the chief operating officer of the board in Ottawa, on Tuesday, January 5, 1915, the following regulations were discussed and decided upon:—

In addition to the announcements made and the advertising now done by the railway companies subject to the jurisdiction of the board, the said companies shall in the future post at all ticket offices, stations, and other public places, ten days prior to any change in its passenger train service, a notice reading:—

“Change of time will be made. . . . For particulars apply to ticket agent.”

(Signed by)      Officer in charge.

Coincident with the posting of this notice, a circular addressed to agents and others concerned, giving a skeleton outline of the changes, shall be placed in the hands of all agents, and by them the information shall be given to the public.

Further, all the said companies shall send to the office of the chief operating officer of the board, in Ottawa, and also to the superintendent of Railway Mail Service for the district, seven days before the change takes effect, a copy of the notice with-drawing any train, or a working time-table complete, or the last proof thereof.

By order of the board.

*Secretary, B.R.C.*

SESSIONAL PAPER No. 20c

## CIRCULAR No. 140.

OTTAWA, January 22, 1915.

*File 16513. Inspection of Locomotive Boilers.*

To provide a proper service period between hydrostatic tests, removal of caps from flexible stay-bolts and removal of flues for locomotives which are stored for an extended period, the time for performing such work on locomotives which are stored in good condition for one or more full calendar months may be extended without filing application as follows:

Hydrostatic tests will be due after twelve months' service, provided such service is performed within 24 consecutive months.

Removal of caps from flexible staybolts will be due after 18 months' service, provided such service is performed within thirty consecutive months.

Removal of flues will be due after three years' service, provided such service is performed within four consecutive years.

Time out of service must be properly covered by out of service reports and notation showing the months out of service on account of which the extension is claimed made on the back of inspection reports and cab cards.

No extension of time as provided above will be allowed for portions of a month.

If the locomotive is out of service when any of the above work is due, it need not be performed until just prior to the time the locomotive is returned to service.

By order of the board.

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

## CIRCULAR No. 141.

OTTAWA, January 25, 1915.

*File 41-B, Spark Arresting Device for use on Locomotives burning Non-coking Coal.*

During the past two years, numerous complaints have been received by the board as to fire danger resulting from the use as locomotive fuel of certain classes of western coals. A careful investigation of this situation by the board's officers reveals the fact that excessive sparking results from the use of such coals, and that, even when kept in perfect order, the spark-arresting devices prescribed in Regulation 2 of General Order No. 10 are inadequate to reduce within reasonable limits the number of live sparks thrown from the stack. The existence of this situation has already been recognized by some of the western railways, which have voluntarily discontinued the use of such coals as locomotive fuel during the fire season.

It appears from analyses made by the Mines Branch that the coals in question are not lignite, but that in each case where such trouble has occurred the coal has poor coking properties, or is non-coking, while the use of coals which exhibit good coking properties result in only a normal amount of sparking.

The board does not desire to hamper in any way the legitimate development of any phase of the important industry of coal mining. It is, however, considered essential that some steps be taken to reduce to normal proportions the fire hazard resulting from the use of such coals as are above described. To meet this situation, the board has under consideration the advisability of amending Regulation 2 of General Order No. 107 by adding thereto the following:—

(There shall be such special spark-arresting device, other than the above, as may be approved by the board, on every engine burning coal which has poor coking properties or is non-coking, the use of which, as locomotive fuel, is not prohibited by Regulation 7 of this order.)

6 GEORGE V, A. 1916

All parties interested are requested to submit their comments to the board, in writing, not later than February 20, 1915. If an order dealing with this matter is issued, it is expected that such order will be made effective on and after April 1, 1915. In such event, arrangements will be made by the board, upon application by any railway company concerned, for the prompt testing jointly with the company of any spark-arresting device which it is claimed will meet the above conditions.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*

SUPPLEMENT No. 1 TO CIRCULAR No. 141.

OTTAWA, February 16, 1915.

*File 4741-B, Spark Arresting Device for use on Locomotives burning Non-coking Coal.*

Referring to Circular No. 141 of January 25, 1915. Owing to several requests made by parties interested that the date set for the submission of comments to the board be extended, I am directed to advise you that the board has decided to extend the date set in Circular No. 141 to March 16, 1915.

By order of the board,

A. D. CARTWRIGHT,

*Secretary, B.R.C.*



# INDEX TO APPENDIX "C" BEING SOME OF THE PRINCIPAL JUDGMENTS ISSUED BY THE BOARD.

	PAGE
Approaches to farm crossing on farm of Mr. Colwill.. . . .	262
Ashbridge Bay spur, Toronto, G.T.R.. . . .	144
Bilton, W. S., complaint <i>re</i> charges on car of coal from Ogdensburg, N.Y., to Newboro', Ont., via ferry at Prescott.. . . .	308
Boland, W. J., application to compel Grand Trunk Railway Company to extend Fairbanks- Morse Canadian Company siding, Toronto, to certain property rented for factory purposes.. . . .	266
Brampton Milling Company's switching complaint.. . . .	227
Brownlee, D. A., et al., complaint <i>re</i> coal rates.. . . .	250
Buckworth, A. B., inquiry whether board has jurisdiction over rates charged by construc- tion department.. . . .	241
Calgary, Alta., application for Canadian Pacific Railway spur.. . . .	181
Calgary— <i>re</i> interchange tracks between Grand Trunk Pacific Railway and Canadian Pacific Railway.. . . .	254
Calgary, Alta., application to compel Canadian Northern Railway to carry out agreement <i>re</i> street crossings.. . . .	263
Campbellford, Lake Ontario and Western Railway application to take certain lands in Bowmanville, Ont., for freight yard.. . . .	133
Campbellford, Lake Ontario and Western Railway business spur, Trenton, Ont.. . . .	175
Campbellford, Lake Ontario and Western Railway location and construction in Belleville, Ont.. . . .	215
Campbellford, Lake Ontario and Western Railway Company's application to revise location of commercial siding at Trenton, Ont.. . . .	333
Canadian Northern Western Railway application to cross Canadian Pacific Railway, Medicine Hat, Alta.. . . .	166
Canadian Northern Railway application to remove connection between Canadian Pacific Railway and Winnipeg Joint Terminal tracks at Higgins avenue, Winnipeg, Man.. . . .	246
an Northern Ontario Railway application for approval location through town of North Bay, Ont.. . . .	288
Canadian Northern Quebec Railway application to construct sidings across Stadacona and Marlborough streets, Montreal, Que.. . . .	290
Canadian Northern Ontario Railway application to cross Monkland Boulevard, Cartier- ville, Que.. . . .	314
Canadian Northern Railway train service from Trenton to Kilmount Junction, complaints as to.. . . .	329
Canadian China Clay Company v. Canadian Northern Railway Company, et al, <i>re</i> rates on clay.. . . .	326
Canadian Pacific Railway application to lower grade of portion of Maple street, Win- nipeg, Man.. . . .	226
Canadian Pacific Railway application to alter spur of city of Winnipeg on Rachel street.. . . .	227
Canadian Pacific Railway application to carry two additional tracks across Greene avenue, Westmount, Que.. . . .	307
Central Convention of Farmers Institutes of British Columbia application for privilege of shipping mixed cars of flour and feed in sacks, etc., at carload rates.. . . .	261
Coldwater, Ont., <i>re</i> interchange tracks between Canadian Pacific Railway and Grand Trunk Railway.. . . .	223
Consumers' Gas Company of Toronto v. Canadian Pacific Railway, <i>re</i> coke rates.. . . .	156
Coquitlam, B.C., location of Canadian Pacific Railway station.. . . .	147
Courtney, B.C., application to direct Esquimalt and Nanaimo Railway to permit Govern- ment to make road from freight shed to Lake Trail.. . . .	230
Cowichan Ratepayers' Association, complaint <i>re</i> culvert on line of Esquimalt and Nanaimo Railway (C.P.R.).. . . .	163
Cowichan Ratepayers' Association, complaint against rates charged on grain and mill feeds.. . . .	300
Cumberland, B.C., Board of Trade application for interchange tracks between Canadian Collieries Limited, and Esquimalt and Nanaimo Railway at Royston.. . . .	265
Denholm Drainage under Guelph and Goderich Railway.. . . .	196
Eastern Townships Brick Manufacturing Company's complaint <i>re</i> interswitching.. . . .	163
Edmonton City Dairy, application to direct Dominion Express Company to pay refund under Rule 3, C.R.C. 4139.. . . .	158
Edmonton, Dunvegan and British Columbia Railway <i>re</i> rates on.. . . .	340
Entwistle, Alta., <i>re</i> location Grand Trunk Pacific station.. . . .	183
Erie and Ontario Railway crossing over right of way of Niagara, St. Catharines and Toronto Railway.. . . .	200
Esquimalt Municipality application for station facilities on Esquimalt and Nanaimo Rail- way at Admirals Road.. . . .	271
Esquimalt and Nanaimo Railway Company application to remove station agent from Cowichan, B.C.. . . .	326

	PAGE
Essex Terminal Railway Company application objecting to removal as participating carrier in tariffs applicable to international traffic.....	138
Essex Terminal Railway Company application to construct branch line to and along Russell street, Sandwich, Ont.....	334
Farm crossings on Canadian Pacific Railway near Foster Station, Que., application to reopen.....	177
Fernie-Port Steele Brewing Company, complaint <i>re</i> heated car service supplied by Canadian Pacific Railway Company.....	309
Fergus, Ont., complaint against Grand Trunk Railway Company switching rate.....	172
Fonthill Gravel Company v. Niagara, St. Catharines and Toronto Railway Company, and Grand Trunk Railway Company <i>re</i> rates on moulding sand.....	120
Fortin, Mr. Justice; complaint <i>re</i> cancellation by Canadian Pacific Railway of 8 o'clock train from St. Jerome to Montreal, Que.....	287
Fort William complaint <i>re</i> Canadian Pacific Railway Company taking up street railway tracks where crossed by spur to Starch Works.....	121
Fort William, Ont., complaint <i>re</i> condition of Grand Trunk Pacific Railway on Empire avenue.....	170
Fort William, Ont., proposed location of Canadian Northern Railway station.....	189
Fort William, Ont., application for Canadian Pacific Railway spur to industries.....	210
Fort William Board of Trade application to direct Canadian Pacific Railway Company to provide local freight sheds at Fort William separate from wharf sheds.....	249
Fort William Board of Trade application for reduction in rates for shipments westward originating at Fort William.....	277
Fort William Board of Trade complaint against switching charges.....	278
Fort William Board of Trade application <i>re</i> cartage service at Fort William.....	286
Fredericton, N.B., application to remedy rates to and from; also Canadian Pacific Railway Company's application for a rehearing in connection with judgment of July 18, 1914.....	255
Gillies Bros., et al, application for interchange track between Canadian Pacific Railway and Grand Trunk Railway at Arnprior, Ont.....	228
Grand Trunk Railway—Ashbridge Bay spur, Toronto.....	144
Grand Trunk Railway v. Hamilton Radial Electric Railway <i>re</i> interchange at Burlington, Ont.....	160
Grand Trunk Railway Company; application to replace Hamilton and Toronto Sewer Pipe and Fowler Canadian Company siding.....	190
Grand Trunk Railway dock siding encroachment on Main street, Callander, Ont.....	248
Grand Trunk Railway Company's crossing between Asplin and Huntsville on town line between Stisted and Stephenson; application Miss G. Lakeman as to dangerous condition of.....	324
Grand Valley Railway Company, anomalous position of.....	321
Guard, Right Rev., et al., application for settlers' rates on shipments from Eastern Canada.....	303
Guest, W. J., Fish Company, complaint <i>re</i> express rates on fresh fish from Vancouver to Winnipeg.....	197
Hamilton Radial Electric Railway Company <i>re</i> Grand Trunk Railway interchange at Burlington, Ont.....	160
Hamilton, S. A., Co., Ltd., application for Canadian Pacific Railway spur Prairie Heights, Sask.....	124
Hamilton, S. A., Co., Ltd., application for transfer track between Canadian Northern Railway and Canadian Pacific Railway at Howick or for joint freight tariff on coal by Canadian Northern Railway and Canadian Pacific Railway.....	213
Hamilton and Toronto, Hamilton and Buffalo Railway, spur across Victoria avenue south.....	151
Hamilton Street Railway Company application to cross Grand Trunk Railway on Kenilworth avenue.....	231
Hepworth Silica Pressed Brick Company, application to direct Grand Trunk Railway to construct spur to; also complaint against switching rate.....	206
Hull Electric Railway Company application for approval standard passenger rate of 2½ cents a mile.....	339
Humberstone Township application to direct Grand Trunk Railway to construct suitable culverts under railway.....	137
Imperial Oil Company, Ltd., application for reduction in carload freight rates on petroleum and products from Vancouver east to Alberta points.....	123
Independent Telephone Company v. Bell Telephone Company.....	179
Independent Van and Storage Company complaint <i>re</i> rates on household effects.....	251
Keele street, Toronto, <i>re</i> maintenance of subway under Canadian Pacific Railway.....	225
Lachine, Que., protection at 18th street.....	135
Lachine, Jacques-Cartier and Maisonneuve Railway; application for approval of location from point on St. Catharines street, Montreal, to connection with Grand Trunk Railway near Jacques Cartier Junction.....	181
Lachine, Jacques-Cartier and Maisonneuve Railway crossing certain streets in Montreal, Que.....	293
Lehnhart, J. W., Mazenod, Sask., complaint <i>re</i> movement of carload of machinery.....	184
Lisovay, Ont., application for interchange track between Canadian Pacific Railway and Grand Trunk Railway.....	205
London Railway Commission on behalf of London and Port Stanley Railway, application for approval of clearances.....	279
Manitoba Sand and Gravel Company application <i>re</i> Grand Trunk Pacific Railway rates on	

sand and gravel.....	169
Massey Harris Company, et al., v. Canadian Northern and Grand Trunk Pacific Railway Companies <i>re</i> spur tracks.....	176
Mayland, A. H., Calgary, complaint <i>re</i> charge of Canadian Pacific Railway on shipment of cattle.....	251
McPherson, J. H., application for Canadian Pacific Railway siding to stone quarry, Gore of Puslinch, Ont.....	133
Milton Pressed Brick Company, complaint against Canadian Pacific Railway holding up double track construction between Toronto and Guelph Junction.....	135
Mixed carloads of foreign and native liquors, groceries and dried fruits.....	246
Montreal Board of Trade application to reinstate mixed carload commodity rates.....	193
Montreal Light, Heat and Power Company, application to lay gas pipe across Grand Trunk Railway property near western end of Turcot Yards.....	151
Montreal, Que., application to open up certain streets in Longue Point Ward over Canadian Northern Quebec Railway.....	200
Moosejaw Board of Trade's complaint <i>re</i> coal rates.....	241
Napanee and Deseronto train service.....	304
North Himsforth complaint <i>re</i> the encroachment the dock siding of the Grand Trunk Railway has made on Main street, Callender, Ont.....	248
Oliver Township complaint <i>re</i> inadequate train service of Canadian Pacific Railway.....	189
Ontario Department of Public Works, application <i>re</i> crossing Canadian Pacific Railway, lot 10, con. 3, township of Burwash.....	338
Ozias, C. W., et al., complaint <i>re</i> closing of Mazeppa Station, Alta.....	250
Park Avenue crossing over Canadian Pacific Railway, Montreal.....	213
Parry Sound, Ont., application <i>re</i> subway at Armstrong street under Canadian Pacific Railway.....	193
Patrick, T. H., Souris, Man., complaint against Canadian Pacific Railway refusing to place cars on siding into his lumber yard.....	316
Pictou Board of Trade, et al., complaint <i>re</i> train and mail service on the Canadian Northern Ontario Railway.....	304
Port Hope Telephone Company, application for connection with Bell Telephone Company in town of Bowmanville, Ont.....	122
Quebec Oriental Railway Company, complaint as to service of.....	128
Railway company applies to have Board take action against a conductor.....	172
Riverside Lumber Company, Calgary, complaint <i>re</i> Canadian Pacific rates.....	202
Roberts, E. W., complaint <i>re</i> refusal of Canadian Pacific Railway to establish winter freight rate on "rough, unpeeled pulpwood".....	343
Rogers, G. T., complaint against overcharge by Canadian Pacific Railway on car of settlers effects.....	162
Rosetown, Sask., application for transfer track between Canadian Pacific Railway and Canadian Northern Railway.....	275
Seventeenth avenue, Moosejaw, Sask., protection where Canadian Pacific Railway crosses. Shephard Local Improvement, application for highway crossing over Canadian Pacific Railway.....	274
Shragge, B., application for Canadian Pacific Railway spur to warehouse, Winnipeg, Man. Smart-Woods, Ltd., complaint that delivering carriers disclaim responsibility for shortage when received "short" from their connections.....	253
St. Mary's Horse Shoe Quarry v. Grand Trunk Railway, <i>re</i> operation of siding.....	161
St. Louis, Saskatchewan, siding, Grand Trunk Pacific.....	185
Standard railway fences.....	157
Standard regulations <i>re</i> opening of new lines.....	186
Station agents, <i>re</i> discontinuing employment of.....	319
Stettler Board of Trade, Alberta, application to direct Canadian Pacific Railway and Canadian Northern Railway to provide transfer track.....	174
Storage of merchandise by railway companies at Fort William and Port Arthur.....	272
Streetsville, Ont., subway under Canadian Pacific Railway.....	294
Syndicate avenue subway, Fort William, <i>re</i> paving of.....	164
Taylor Milling and Elevator Company, of Lethbridge, Alta., complaint <i>re</i> rates.....	318
Toronto Board of Trade, et al., complaint <i>re</i> Grand Trunk Railway's refusal to accept from Canadian Northern Railway carload freight requiring team track delivery at Toronto.....	127
Trenton, Ont., application for interchange between Canadian Northern Railway and Canadian Pacific Railway at Trenton.....	311
Vancouver and North Vancouver, B.C., complaint against Canadian Pacific Railway Company changing plans of North Vancouver Ferry Pedestrian subway.....	262
Victoriaville, Que., <i>re</i> extension of Albert street over Grand Trunk Railway.....	125
Welland County, application to rescind order authorizing Toronto, Hamilton and Buffalo Railway to divert four highways.....	328
Winnipeg, Man., Talbot avenue subway where Canadian Pacific Railway crosses.....	211
Winnipeg, Man., <i>re</i> subway at Salter street where Canadian Pacific Railway crosses.....	201
Winnipeg, Man., application for subway at Maple street.....	171
Wolfville Milling Company, application to determine responsibility for maintenance of spur to their property.....	167
Wood, W. J., complaint against mixed train service of Canadian Pacific Railway between Winnipeg and Riverton.....	148
Yukon Gold Company, application to require its tracks.....	241
Yukon Gold Company, application to require Klondike Mines Railway Company to elevate its tracks.....	276
	317
	243
	243















**ENDING SECT. MAR 16 1982**



